

ESTTA Tracking number: **ESTTA653006**

Filing date: **01/29/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92059685
Party	Defendant FTI Corporation Limited
Correspondence Address	FTI CORPORATION LIMITED TOWER 1 CHINA HONG KONG CITY , 33 CANTON ROAD FLAT RM 901 9F TSIM SHA TSUI KL, HONG KONG
Submission	Other Motions/Papers
Filer's Name	William N. Federspiel
Filer's e-mail	wfederspiel@mcguirewoods.com, jpeyton@mcguirewoods.com, ade- ford@mcguirewoods.com, bportillo@mcguirewoods.com, trade- marks@mcguirewoods.com
Signature	/William N Federspiel/
Date	01/29/2015
Attachments	FTI - SBG - Mem in Supp of Motion to Set Aside Default Judgment.pdf(69983 bytes ) EX A.pdf(321534 bytes ) EX B.PDF(39574 bytes ) EX C.pdf(61877 bytes ) EX D.pdf(334930 bytes ) EX E.pdf(83931 bytes ) EX F.pdf(50757 bytes ) EX G.pdf(46011 bytes ) EX H.pdf(23483 bytes ) EX I.pdf(964068 bytes ) EX J.pdf(1324289 bytes ) Ex K.pdf(29886 bytes ) FTI - SBG - Motion to Set Aside Default Judgment.pdf(25378 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Registration of:**            **FTI Corporation Limited**

**Reg. Nos.:**                        **3,224,978, 3,476,081, and 3,476,082**

**Reg. Dates:**                    **April 3, 2007, July 29, 2008, and July 29, 2008**

**Marks:**                            **REVO** , **revo** , and 

<b>SBG REVO HOLDINGS, LLC</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Cancellation No. 92059685</b>
	)	
<b>FTI CORPORATION LIMITED</b>	)	
	)	
<b>Respondent.</b>	)	

**RESPONDENT'S MEMORANDUM IN SUPPORT OF RESPONDENT'S MOTION TO  
SET ASIDE DEFAULT JUDGMENT**

## **TABLE OF CONTENTS**

INTRODUCTION .....	1
STATEMENT OF FACTS .....	1
ARGUMENT .....	5
I.    The Default Judgment Is Void for Lack of Personal Jurisdiction and Must Be Set Aside Under Rule 60(b)(4).....	6
II.   The Facts Also Justify Setting Aside the Default Judgment Under Rule 60(b)(6). ....	9
A.   Extraordinary Circumstances Exist Here and Justify Relief Under Rule 60(b)(6).....	10
B.   The Rule 60(b)(1) Factors Favor Setting Aside the Default Judgment Under Rule 60(b)(6). ....	14
CONCLUSION.....	16

## **TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Bell Helicopter Textron, Inc. v. Islamic Republic of Iran</i> , 734 F.3d 1175 (D.C. Cir. 2013) .....	6
<i>Black v. Diamond</i> , 163 F. App'x 58 (2d Cir. 2006) .....	7
<i>CareerXchange, Inc. v. Corpnet Infohub, Ltd.</i> , 80 U.S.P.Q.2d (BNA) 1046 (T.T.A.B. 2005) .....	6, 8, 9, 10, 15
<i>Combs v. Nick Garin Trucking</i> , 825 F.2d 437 (D.C. Cir. 1987) .....	6
<i>Conserval Sarl v. Anhing Corp.</i> , No. 92031658, 2004 WL 49827 (T.T.A.B. Jan. 7, 2004) .....	5
<i>Djeredjian v. Kashi Co.</i> , 21 U.S.P.Q.2d (BNA) 1613 (T.T.A.B. 1991) .....	15
<i>Jack Lenor Larsen, Inc. v. Chas. O. Larson Co.</i> , 44 U.S.P.Q.2d (BNA) 1950 (T.T.A.B. 1997) .....	15
<i>Regatta Sport, Ltd. v. Telux-Pioneer, Inc.</i> , 20 U.S.P.Q.2d (BNA) 1154 (T.T.A.B. 1991) .....	15
<i>River West Brands LLC v. Diamond Prods. Co.</i> , No. 41280, 2003 WL 21509850 (T.T.A.B. June 26, 2003) .....	5
<i>S. Indus., Inc. v. Lamb-Weston, Inc.</i> , 45 U.S.P.Q.2d (BNA) 1293 (T.T.A.B. 1997) .....	5, 15
<i>Smart Inventions, Inc. v. TMB Prods., LLC</i> , 81 U.S.P.Q.2d (BNA) 1383 (T.T.A.B. 2006) .....	6, 8, 9
<b>Other Authorities</b>	
37 C.F.R. § 2.111(a) .....	7
37 C.F.R. § 2.113 .....	7, 9
37 C.F.R. § 2.113(a) .....	8
37 C.F.R. § 2.116(a) .....	5

37 C.F.R. § 2.118.....	8, 9
Fed. R. Civ. P. 4(c)(1).....	9
Fed. R. Civ. P. 4(f), (h)(2).....	13
Fed. R. Civ. P. 55(c) .....	5
Fed. R. Civ. P. 60(b)(4), (6).....	5
Fed. R. Civ. P. 60(b) .....	5
Rule 60(b)(1).....	14, 15, 16
Rule 60(b)(4).....	6, 9
Rule 60(b)(6).....	9, 10, 14, 15

Respondent FTI Corporation Limited (“FTI”), by counsel, states the following in support of its Motion to Set Aside Default Judgment:

### **INTRODUCTION**

Unbeknownst to FTI, Petitioner SBG Revo Holdings, LLC (“SBG”) filed a Petition for Cancellation with the Trademark Trial and Appeals Board (the “Board”) on July 25, 2014 (the “Cancellation Proceeding”), seeking to cancel three of FTI’s registrations with the United States Patent and Trademark Office (the “USPTO”) for its stylized REVO marks: U.S. Reg. No. 3,224,978, U.S. Reg. No. 3,476,081, and U.S. Reg. No. 3,476,082 (collectively, the “FTI Marks”). FTI remained entirely unaware of the Cancellation Proceeding throughout its duration, and was never afforded due process through reasonable notice and an opportunity to appear and defend its registrations. As a direct result of this lack of notice, the Board entered default judgment against FTI on November 4, 2014, and the Commissioner of Trademarks (the “Commissioner”) cancelled all three registrations for the FTI Marks.

To correct this manifest injustice and to allow it the reasonable opportunity to defend its registrations, FTI respectfully requests that the Board set aside the default judgment pursuant to Rule 60(b)(1) and (b)(6).

### **STATEMENT OF FACTS**

FTI is a Hong Kong corporation and the last-listed owner of three U.S. trademark registrations for stylized variants of its REVO marks – Reg. Nos. 3,224,978, 3,476,081 and 3,476,082. Ex. A, Decl. of Jerry Moon (“Moon Decl.”) ¶¶ 3–4. FTI obtained the first of those registrations in December 2007 and the remaining two in July 2008.

More than six years after obtaining the last of its registrations, on December 19, 2014, FTI learned for the first time that its registrations for the FTI Marks had been cancelled as a

result of a default judgment entered against FTI in a Cancellation Proceeding filed by SBG. *See* Moon Decl. ¶¶ 5–7. FTI was shocked. Not only was it unaware of the default judgment, FTI had no idea that it was even a party to a cancellation proceeding in the United States. *Id.* FTI immediately began investigating the situation with an eye toward reviving its registrations for the FTI Marks.

Through that investigation, FTI, for the first time, discovered that SBG filed a petition to cancel the FTI marks on July 25, 2014. Although the face of the record for the Cancellation Proceeding indicated that SBG and the Board mailed notices regarding the proceeding to FTI, FTI never received any of those communications.<sup>1</sup> *Id.* ¶ 5; *see also* Ex. B, Cancellation Proceeding Docket Sheet (“Ex. B, Dkt. Sheet”). Upon further investigation, FTI discovered the reason it had not received notice from the Board about the Cancellation Proceeding: the Board mailed its correspondence to an incomplete and outdated business address, and it took no steps to publish the notice of institution or the notice of default in the *Official Gazette*, even though at the time the Board issued the default judgment, it was on notice that it had sent FTI undeliverable mail with an incomplete address. *See* Ex. B, Dkt. Sheet; Ex. C, Nov. 3, 2014 Return of Notice of Default (“Ex. C, Returned Default Notice”); Ex. D, Jan. 6, 2015 Return of Institution Order (“Ex. D, Returned Institution Order”); *see also* Moon Decl. ¶¶ 5, 8–9.

---

<sup>1</sup> The record indicates that SBG mailed copies of the Petition for Cancellation to FTI at the following three addresses: (1) “FTI CORPORATION LIMITED, 33 Canton Rd—Flat/Rm 901 9/F, Tower 1 China Hong Kong City, Tsim Sha Tsui KL, Hong Kong, China;” (2) “FTI CORPORATION LIMITED, Rm F2-12 Block2 4F Hang Fung Ind. Bldg., 2G Hok Yuen St. Hung Hom K1, Hong Kong, China;” and (3) “FTI CORPORATION LIMITED, 36/F Tower Two Times Square, 1 Matheson Street, Causeway Bay, Hong Kong, China.” Certificate of Service, Ex. I to Mot. to Set Aside Default J. (“Cert. of Service, Ex. I”). FTI has not been located at the first two addresses for some time, but the third address is FTI’s current business address. Moon Decl. ¶¶ 3, 9. Nevertheless, to date, FTI has not received any of the three copies SBG mailed. *Id.* ¶ 5.

The Board mailed a notice that it had instituted the Cancellation Proceeding (the “institution order”) to FTI on July 29, 2014, at the following outdated and fatally incomplete address: “FTI CORPORATION LIMITED, 33 CANTON RD., FLAT, HONG KONG, CHINA.” Ex. D, Returned Institution Order; *see also* Ex. B, Dkt. Sheet (entry no. 9). Despite listing a complete address on the institution order itself, *see* Ex. E, July 29, 2014 Institution Order (“Ex. E, Institution Order”) at 1, the address on the envelope failed to include several pieces of information necessary to ensure delivery, such as “RM 901 9/F” and “TOWER 1, HONG KONG CITY, TSIM SHA TSUI, KL,” Ex. D, Returned Institution Order. Moreover, the 33 Canton Road address was not FTI’s current business address in 2014. Moon Decl. ¶¶ 3, 9. FTI moved from that address in 2010, and it moved again to its current business address, “36/F TOWER TWO TIMES SQUARE, 1 MATHESON STREET, CAUSEWAY BAY, HONG KONG, CHINA,” in 2011.<sup>2</sup> *Id.* Throughout the existence of its registrations, however, FTI has consistently listed its correspondence address as the address of its attorney of record, including most recently on its 2012 and 2013 section 8 filings. *See* Ex. J.

Unsurprisingly, FTI never received the institution order mailed by the Board, *id.* ¶ 5; *see also id.* ¶¶ 6–7, and the institution order was returned to the Board on January 6, 2015, as undeliverable because of an “Incomplete Address.” Ex. D, Returned Institution Order. As a

---

<sup>2</sup> Since it first obtained its U.S. trademark registrations, FTI has consistently listed its prior U.S.-based attorney’s address as its correspondence address of record. Moon Decl. ¶ 9; Ex. J (containing FTI’s correspondence with the USPTO regarding the FTI Marks’ registrations, which all list the address of their attorney of record as the correspondence address). FTI did this with the expectation that any and all correspondence related to those registrations would be sent to its attorney of record, who could notify FTI of the correspondence. *See* Moon Decl. ¶ 9. FTI also updated its address at least once previously in 2010 to “RM 2-12 BLK2, 4/F HANG FUN INDUSTRIAL BUILDING, 2G HOK YUEN STREET, HUNG HOM, KL, HONG KONG, CHINA,” for Reg. Nos. 3,476,081 and 3,476,082. *See* Ex. H, 2010 Change of Address Forms. (“Ex. H, 2010 Address Change”). Despite these designations, the USPTO’s database continues to list the outdated 33 Canton Road address as FTI’s correspondence address, thus completely ignoring both that FTI has always designated its prior U.S.-based attorney’s address as its correspondence address and the 2010 change of address.



result, September 7, 2014 – FTI’s deadline to respond to the Petition for Cancellation – came and went with FTI completely unaware of the Cancellation Proceeding or its deadline to respond to avoid default. Moon Decl. ¶¶ 6–7

On September 23, 2014, the Board issued a notice of default, Ex. F, Sept. 23, 2014 Notice of Default (“Ex. F, Default Notice”), and the notice was mailed to the same incomplete address as the institution order. Ex. C, Returned Default Notice. FTI therefore did not receive the notice of default, and like before, the deadline for its response passed with FTI unaware of the Cancellation Proceeding. Moon Decl. ¶¶ 5–7. Shortly after the expiration of FTI’s deadline to respond, on November 3, 2014, the notice of default was returned as undelivered to the Board with a line through the recipient’s address block.<sup>3</sup> Ex. C, Returned Default Notice.

Despite receiving the returned notice of default, the Board entered default judgment against FTI the very next day. Ex. B, Dkt. Sheet (entry no. 5). The Board then mailed a copy of the order entering default judgment, presumably to the same incomplete address used for its prior two communications.<sup>4</sup> Ex. G, Nov. 4, 2014 Entry of Default J. (“Default J.”). FTI has not received that order to date and does not expect to based on the facts described above. Moon Decl. ¶ 5; *see also id.* ¶¶ 3, 8–9.

As a result of the default judgment, the Commissioner cancelled FTI’s registrations for the FTI Marks on November 17, 2014. *See* Ex. B, Dkt. Sheet (entry no. 7). A month later, on December 19, 2014, FTI finally learned of the Cancellation Proceeding as a result of its own

---

<sup>3</sup> The returned notice of default was entered onto the Cancellation Proceeding docket on November 5, 2014. *See* Ex. B, Dkt. Sheet (entry no. 6). However, the document itself was stamped as returned to the Board on November 3, 2014. Ex. C, Returned Default Notice.

<sup>4</sup> For the first time, the Board also indicated that it sent a second copy of the entry of default judgment to an alternative address: “cc: FTI Corporation Limited, Rm F2-12 Block 2 4F Hang Fung Ind Bldg, 2G Hok Yuen St Hung Hom K1, Hong Kong, China.” Ex. G, Default J.at 1. FTI has not been located at that address since 2011. Moon Decl. ¶ 3.

diligence in reviewing its trademark portfolio. Moon Decl. ¶ 7. To protect its rights in the FTI Marks and to avoid the injustice that would otherwise result from allowing the default judgment and cancellation of those marks to stand, FTI now moves the Board to set aside the default judgment pursuant to Federal Rule of Civil Procedure 60(b) and is concurrently opposing SBG's Class 18 application for REVO & Design that had been blocked by FTI's registrations. *See* Ex. K, FTI's Notice of Opp'n.

### **ARGUMENT**

Federal Rule of Civil Procedure 60(b) provides the Board with authority to set aside a default judgment in a cancellation proceeding. *See S. Indus., Inc. v. Lamb-Weston, Inc.*, 45 U.S.P.Q.2d (BNA) 1293, 1296 (T.T.A.B. 1997); *see also* Fed. R. Civ. P. 55(c) (noting that a default judgment may be set aside under Rule 60(b)); 37 C.F.R. § 2.116(a) (noting that the Federal Rules of Civil Procedure govern the procedure and practice for *inter partes* proceedings before the Board). Specifically, Rule 60(b) provides, in pertinent part, that the Board may relieve a party "from a final judgment, order, or proceeding for the following reasons: . . . (4) the judgment is void; . . . or (6) any other reasons that justifies relief." Fed. R. Civ. P. 60(b)(4), (6). "Because default judgment for failure to timely answer the complaint is not favored by the law, a motion under Fed. R. Civ. P. 55(c) and 60(b) seeking relief from such a judgment is generally treated with more liberality by the Board than are motions under Fed. R. Civ. P. 60(b) for relief from other types of judgments." *Conserval Sarl v. Anhing Corp.*, No. 92031658, 2004 WL 49827, at \*4 (T.T.A.B. Jan. 7, 2004); *River West Brands LLC v. Diamond Prods. Co.*, No. 41280, 2003 WL 21509850, at \*2 (T.T.A.B. June 26, 2003) (noting that "the Board must be mindful of the fact that it is the policy of the law to decide cases on their merits" when deciding a Rule 60(b) motion).

The Board should set aside the November 4 default judgment because the judgment is void for lack of personal jurisdiction. Also, the facts of this case present extraordinary circumstances that independently warrant relief.

**I. The Default Judgment Is Void for Lack of Personal Jurisdiction and Must Be Set Aside Under Rule 60(b)(4).**

The Board must set aside a judgment pursuant to Rule 60(b)(4) if the judgment is void. *See Smart Inventions, Inc. v. TMB Prods., LLC*, 81 U.S.P.Q.2d (BNA) 1383, 1383 (T.T.A.B. 2006) (“A default judgment is either valid or void and if it is void, it must be set aside.”); *see also Bell Helicopter Textron, Inc. v. Islamic Republic of Iran*, 734 F.3d 1175, 1179–80 (D.C. Cir. 2013). A judgment is void “‘if the court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law.’” *Smart Inventions*, 81 U.S.P.Q.2d (BNA) at 1383–84 (quoting Wright, Miller, & Kane, *Federal Practice and Procedure*: Civil 2d § 2862 (2002)). Here, the Board did not have personal jurisdiction over FTI in the Cancellation Proceeding because FTI was not properly served – it never received a copy of the Petition for Cancellation or the institution order and neither document was ever published in the *Official Gazette*. Moon Decl. ¶ 5; Ex. B, Dkt. Sheet. As a result, the default judgment is void and must be set aside.

In order for the Board to have personal jurisdiction over a respondent in a cancellation proceeding, the respondent must be served with both a copy of the petition for cancellation and the institution order. *See* 37 C.F.R. §§ 2.111, 2.113; *Smart Inventions*, 81 U.S.P.Q.2d (BNA) at 1384; *CareerXchange, Inc. v. Corpnet Infohub, Ltd.*, 80 U.S.P.Q.2d (BNA) 1046, 1049 (T.T.A.B. 2005); *see also Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987) (“[S]ince service of process is the means by which a court asserts jurisdiction to adjudicate the rights of a party, it is uniformly held that a judgment is void where the requirements for effective

service have not been satisfied.”); TMEP §§ 309.02(c)(2), 310.01. Under the amended Trademark Rules, the petitioner bears the responsibility to serve the respondent with a copy of the petition while the Board bears the responsibility to serve the respondent with a copy of the institution order. 37 C.F.R. §§ 2.111(a), 2.113(a); TMEP §§ 309.02(c)(2), 310.01. FTI did not receive service of either document in this case. Moon Decl. ¶ 5.

SBG attempted to serve FTI with a copy of the Petition for Cancellation by mailing it to three separate addresses, but FTI did not receive those mailings. Moon Decl. ¶ 5. The first two addresses SBG used are outdated, a fact which SBG acknowledged in its certificate of service. *Id.* ¶¶ 3, 9; *see also* Ex. I, Cert. of Service. And, although the third address SBG used is FTI’s current business address, that copy of the petition was never delivered to FTI. *Id.* ¶¶ 3, 5. Consequently, as of the date of this motion, FTI has not been properly served with a copy of the Petition for Cancellation.<sup>5</sup> *See* TMEP § 309.02(c)(2) (noting that the “petitioner must . . . make actual service of the complaint on respondent to comply with its service obligation”); *see also* 37 C.F.R. § 2.111(a).

FTI has also not been properly served with the institution order. The Trademark Rules provide that the Board may properly serve the institution order on a respondent in a cancellation proceeding in one of two ways: (1) by mailing the institution order to the respondent’s correspondence address of record with the USPTO<sup>6</sup>, *see* 37 C.F.R. § 2.113; TMEP § 310.01, or

---

<sup>5</sup> Although SBG mailed the Petition for Cancellation to FTI’s current address, any presumption of receipt that might attach in another proceeding is inappropriate in this case because SBG mailed the petition to FTI’s foreign address. *See Black v. Diamond*, 163 F. App’x 58, 61 (2d Cir. 2006) (recognizing that the presumption of receipt from mailing “rests on the dependability of the U.S. Postal Service” (quoting *In re Cendant Prides Litig.*, 311 F.3d 298, 304 (3d Cir. 2002))). In any event, FTI’s declaration that it did not receive that document rebuts any presumption of effective service that SBG may assert.

<sup>6</sup> FTI has consistently listed its correspondence address as the address of its attorney of record on all of its filings with the USPTO, including most recently on its Section 8 filings in 2012 and 2013. Nevertheless, the USPTO records have never properly reflected FTI’s repeated efforts to designate that

(2) in cases where the institution order is returned as undelivered, by publishing notice of the institution of the cancellation proceeding in the *Official Gazette*, see 37 C.F.R. § 2.118; TMEP § 310.01–.02; see also *Smart Inventions*, 81 U.S.P.Q.2d (BNA) at 1384 n.4; *CareerXchange*, 80 U.S.P.Q.2d (BNA) at 1049. The Board in this case did not publish the institution order in the *Official Gazette*. As a result, whether it properly effected service to give it personal jurisdiction depends on whether FTI actually received the Board’s July 29, 2014 mailing of the institution order. FTI did not. Moon Decl. ¶ 5.

The fact that FTI never received the institution order is indisputable in this case: on January 6, 2015, the institution order was returned to the Board as undeliverable because of an “Incomplete Address.”<sup>7</sup> Ex. D, Returned Institution Order. Inspection of the record reveals that the Board listed an incomplete address in the recipient block of the envelope used to mail the institution order, and that the omitted information rendered the mailing undeliverable. See *id.* (addressing the institution order to “FTI CORPORATION LIMITED, 33 CANTON RD., FLAT, HONG KONG, CHINA” instead of “FTI CORPORATION LIMITED, 33 Canton Rd—Flat/Rm 901 9/F, Tower 1 China Hong Kong City, Tsim Sha Tsui KL, Hong Kong, China”). The Board made no other attempts to serve FTI with the institution order, and as a result, it never properly

---

address as its correspondence address. Had the USPTO properly listed the correspondence address that FTI consistently adopted in its filings for these registrations, FTI would have undoubtedly received notice of this cancellation proceeding. Unfortunately, the USPTO did not, and FTI never received any correspondence related to this proceeding.

<sup>7</sup> The fact that the institution order was not returned as undeliverable until after the default judgment entered does not change the result of this case. Personal jurisdiction requires notice of institution of the proceeding from the Board, and FTI was never properly afforded that notice regardless of when the Board learned of that fact. See 37 C.F.R. § 2.113(a); *Smart Inventions*, 81 U.S.P.Q.2d (BNA) at 1384; *CareerXchange*, 80 U.S.P.Q.2d (BNA) at 1049. In any event, the Board had notice that the address it used was incomplete prior to entry of default judgment. The notice of default was returned as undelivered on November 3, 2014, for the same reasons that the institution order was eventually returned. See Ex. C, Returned Default Notice; Ex. B, Dkt. Sheet. Yet, despite the clear signs that FTI had not received notice of the proceeding, default judgment was still entered without publication of the institution order in the *Official Gazette*. See Ex. B, Dkt. Sheet.

served FTI. *See* 37 C.F.R. §§ 2.113, 2.118; *see also Smart Inventions*, 81 U.S.P.Q.2d (BNA) at 1384 n.4 (noting that, had the institution order been returned, “standard procedures would have required the Board to publish notification of the cancellation proceeding the Official Gazette pursuant to 37 CFR § 2.118”); *CareerXchange*, 80 U.S.P.Q.2d (BNA) at 1049.

Because FTI never received a copy of the Petition for Cancellation or the institution order and the notice of the institution was never published in the *Official Gazette*, service was never properly effected in this case and the Board lacked personal jurisdiction over FTI.<sup>8</sup> *See Smart Inventions*, 81 U.S.P.Q.2d (BNA) at 1384 (granting relief under Rule 60(b)(4) “[b]ecause the Board did not serve TMB Products, LLC, the record owner of the involved registrations”); *see also CareerXchange*, 80 U.S.P.Q.2d (BNA) at 1049 (noting that respondent’s personal jurisdiction arguments would have merit if “the institution order were returned as undeliverable and the Board failed to provide additional notice in the *Official Gazette*”). The default judgment is therefore void and must be set aside so the matter can be decided on the merits.

## **II. The Facts Also Justify Setting Aside the Default Judgment Under Rule 60(b)(6).**

Even if the default judgment was not void, the Board should still set it aside because this case presents extraordinary circumstances that, standing alone, satisfy Rule 60(b)(6) and warrant setting aside the default judgment. Rule 60(b)(6) authorizes the Board to set aside a default

---

<sup>8</sup> Even if FTI had received the copy of the Petition for Cancellation mailed to its current business address, which it did not, the indisputable fact that the Board never completed service of the institution order is, alone, sufficient to preclude personal jurisdiction in this case. Whereas the petition in a cancellation proceeding is the equivalent of a complaint in a civil suit, the institution order is the equivalent of a summons: it specifies the rules that will govern the proceeding, and it sets the deadline for the respondent’s answer. *See* 37 C.F.R. § 2.113; TMEP § 310.01. Proper service of both documents is required to obtain personal jurisdiction in a civil matter, *see* Fed. R. Civ. P. 4(c)(1), and it follows that proper service of both documents is required for the Board to have personal jurisdiction in a cancellation proceeding. The fact that the TTAB adopted a hybrid system in 2007 where the petitioner bears the responsibility to serve the complaint and the Board bears the responsibility to serve the summons does not change this requirement. As a result, the undeniable proof that FTI never received the institution order – either by mail or through publication – is sufficient to defeat personal jurisdiction and to render the default judgment void.

judgment for “any other reason justifying relief from the operation of the judgment.”

*CareerXchange, Inc.*, 80 U.S.P.Q.2d (BNA) at 1051 (quoting Fed. R. Civ. P. 60(b)(6)). A showing of extraordinary circumstances, such as those that exist in this case, justifies relief under this subsection. *Id.* at 1052.

**A. Extraordinary Circumstances Exist Here and Justify Relief Under Rule 60(b)(6).**

One of the most common grounds for granting relief under Rule 60(b)(6) is that the moving party lacked notice of the potential judgment in time to act. *Id.* That is precisely what happened in this case.

As demonstrated above, FTI’s default is the direct result of FTI not receiving either the Petition for Cancellation or the institution order. Without either document, FTI had no knowledge that it was a party to a Cancellation Proceeding in the United States, and without the institution order specifically, FTI had no knowledge of the September 7, 2014 deadline to file its Answer. Moon Decl. ¶¶ 5–7. It therefore comes as no surprise that FTI did not file an Answer in a proceeding about which it had no knowledge.

To make matters worse, FTI also never received notice of the entry of default and its risk of default judgment. *Id.* ¶ 5. The Board mailed the notice of default to the same outdated and fatally incomplete address as the institution order, and just like the institution order, the notice of default was returned as undelivered to the Board. Ex. C, Returned Default Notice; *see also* Ex. D, Returned Institution Order. Nevertheless, neither document was published in the *Official Gazette*. As a result, at every stage of the Cancellation Proceeding, FTI was not afforded due process through reasonable notice and an opportunity to appear and defend its registrations. Setting aside the substantial jurisdictional and due process considerations the lack of notice raises, entering – and letting stand – a default judgment against FTI based on its failure to defend

an action about which it had no knowledge is the epitome of unfairness, especially because this procedural shortcoming serves as the grounds upon which the USPTO cancelled FTI's otherwise legally sound and almost incontestable registrations.

Moreover, three additional circumstances render this case extraordinary. First, the Board's entry of default judgment is itself extraordinary in this case. On November 3, 2014, just one day before the Board entered default judgment, the notice of default was returned to the Board as undelivered with a line through the recipient's address block. *See* Ex. C, Returned Default Notice; Ex. B, Dkt. Sheet. The Board therefore had notice that its single attempt to notify FTI of its obligation to respond to avoid a default judgment was unsuccessful. It was also on notice that the institution order, which was sent to the exact same incomplete and outdated address as the notice of default, had not been delivered. Ex. D, Returned Institution Order. Taking both of these facts together, the Board should have known – on November 3, 2014 – that there was a strong likelihood that FTI was completely unaware of the imminent default judgment. In apparent recognition of this, the Board for the first time mailed the order entering default judgment to both the 33 Canton Road address and the address listed in the 2010 change of address form filed by FTI in connection with two of its registrations. *See* Ex. G, Default J.. But this after-the-fact attempt to use a second address to contact FTI was too little, too late: even if FTI had received the order entering default judgment, which it did not, it would still be in the same position as it is now, with its registrations cancelled and no prior notice or opportunity to defend those registrations in the Cancellation Proceeding. Under these circumstances, the Board's decision to enter default judgment on November 4, 2014, is extraordinary by itself.

Second, although not legally required to do so the Board's (and SBG's) decision not to contact FTI's attorney of record, in addition to attempting to contact FTI directly, is



extraordinary in this case. The Board's policy states that, "if the Board is unable to locate the registrant for purposes of notifying the registrant of the filing of the complaint, and the registration file reflects that an attorney or other authorized representative has appeared therein on registrant's behalf within the last five years or so, the Board will, if necessary, contact the attorney or other authorized representative and ask for information concerning registrant's current address." *Id.* Here, FTI's attorney of record had not only entered an appearance on its behalf within the last five years, but also his address has consistently been designated as FTI's correspondence address on all filings for all three registrations. *See* Ex. J. More recently, FTI's Section 8 filings in 2012 and 2013 of the three marks at issue clearly include a change of correspondence address to that of the registrant's U.S. attorney of record. For reasons that are unclear, the USPTO did not update its records following those properly filed changes to the registrant's correspondence address or in response to any of the many other filings made by FTI that included that change. As a result, when the Board became aware of its difficulties in notifying FTI about the Cancellation Proceeding, under the Board's stated policy, it should have contacted FTI's attorney of record to ask for contact information for FTI. Had the Board sent even just the notice of default to FTI's prior U.S.-based counsel at FTI's correspondence address, FTI would have appeared to defend its registrations and there would be no default judgment to set aside.

This failure to notify FTI's attorney of record is even more remarkable in this situation because the Petition for Cancellation directly accuses that counsel of fraud on the USPTO. Indeed, SBG's Petition makes repeated fraud allegations against FTI's attorney of record on the thinnest of evidence. By operation of the default, those remarkably bare allegations have been admitted without either FTI or its attorney of record having an opportunity to respond. In other

words, FTI's attorney of record has been deemed to have committed fraud on the USPTO with no chance to defend himself. Given the gravity of SBG's accusations, failure to notify FTI's attorney of record under these circumstances is extraordinary.

And third, this case is extraordinary because there were red flags from the very beginning that service could be an issue. To start, FTI is a foreign entity, which automatically adds a layer of difficulty in ensuring proper notification of proceedings in the United States.<sup>9</sup> Foreign addresses are often formatted differently and require more information than domestic addresses. Moreover, the length of time between mailing, delivery, and return of undeliverable mailings is increased for foreign mailings, sometimes substantially.

More importantly, there were readily apparent issues within the USPTO's database that made the Board's typical reliance on USPTO records questionable here. Review of the documents contained in TSDR for Reg. Nos. 3,476,081 and 3,476,082 reveals that FTI filed a change of address form in 2010, notifying the USPTO that it was no longer located at 33 Canton Road and again designating the address of its attorney of record in Ithaca, New York as its correspondence address for those registrations. Ex. H, 2010 Address Change. Additionally, each of the three Declarations of Use filed on behalf of the registrant under section 8 of the Trademark Act for the FTI Marks in 2012 and 2013 included a proper request to change the correspondence address to that of the attorney of record. *See* Ex. J. Yet, the USPTO's database inexplicably lists the 33 Canton Road address as FTI's correspondence address, even though that address is not listed anywhere on the change of address forms. SBG also alerted the Board to its suspicion that the USPTO records were outdated and unreliable: in the certificate of service it filed with its Petition for Cancellation, SBG certified that it mailed the Petition for Cancellation

---

<sup>9</sup> Indeed, the Federal Rules of Civil Procedure set forth specific rules for service of foreign corporations, none of which were satisfied here. *See* Fed. R. Civ. P. 4(f), (h)(2).

to not one, but three separate addresses, and that SBG “believed [the third address] to be more current for [FTI].”<sup>10</sup> See Cert. of Service, Ex. I.

The Board nevertheless ignored these red flags, and instead of exploring even one of the alternate options available to reach FTI (including the correspondence email address of record), the Board only mailed the institution order and notice of default to an incomplete version of the 33 Canton Road address. See Ex. C, Returned Default Notice; Ex. D, Returned Institution Order. That decision is inexplicable in light of the circumstances facing the Board and the severe consequences resulting from the entry of a default judgment in this case. It is rendered extraordinary because had the Board taken one of any number of easy steps prior to entering default judgment – such as publishing notice of the Cancellation Proceeding in the *Official Gazette*; sending the default notice to FTI’s correspondence address of record, which is the domestic address of its attorney of record; or contacting FTI’s attorney of record to obtain a current address for FTI – default judgment could have been avoided in this case.

Taken individually or all together, these circumstances demonstrate that extraordinary circumstances exist and that FTI was unfairly deprived of due process through reasonable notice and an opportunity to defend its registrations for the FTI Marks. Accordingly, the Board should set aside the default judgment under Rule 60(b)(6) so that the matter can be decided on the merits.

**B. The Rule 60(b)(1) Factors Favor Setting Aside the Default Judgment Under Rule 60(b)(6).**

In addition to considering whether extraordinary circumstances exist under 60(b)(6), the Board also occasionally considers the factors it applies when a party moves to set aside a default

---

<sup>10</sup> SBG certainly had reason to believe that it knew of a more current address for FTI, as SBG approached FTI sometime in 2013 to discuss potential cooperation regarding FTI’s REVO mark for luggage. Those talks never resulted in any agreement between SBG and FTI and FTI never heard anything more from SBG regarding the REVO Mark until it belatedly learned of this proceeding.

judgment under Rule 60(b)(1). *Compare Jack Lenor Larsen, Inc. v. Chas. O. Larson Co.*, 44 U.S.P.Q.2d (BNA) 1950, 1950 (T.T.A.B. 1997), with *CareerXchange*, 80 U.S.P.Q.2d (BNA) at 1051–52 (considering only whether the case presented extraordinary circumstances). Those factors are: “(1) whether the non-defaulting party will be prejudiced, (2) whether the default was willful” or the result of gross negligence, “and (3) whether defendant has a meritorious defense.” *Djeredjian v. Kashi Co.*, 21 U.S.P.Q.2d (BNA) 1613, 1615 (T.T.A.B. 1991).

These three factors, in addition to the extraordinary circumstances present in this case, strongly weigh in favor of setting aside the default judgment under Rule 60(b)(6). With respect to the first factor, SBG will not be prejudiced by setting aside the default judgment. The Board entered the default judgment approximately two months ago, and SBG’s application that had been blocked by FTI’s registrations is still pending. As a result, SBG has not placed substantial reliance or dependence on the entry of default judgment, and this factor weighs in favor of setting the judgment aside. *See S. Indust.*, 45 U.S.P.Q.2d (BNA) at 1296 (noting that simply requiring a case to be tested on the merits does not establish sufficient prejudice to preclude relief); *Regatta Sport, Ltd. v. Telux-Pioneer, Inc.*, 20 U.S.P.Q.2d (BNA) 1154, 1156 (T.T.A.B. 1991) (noting that “delay alone is not sufficient” to establish prejudice).

The second factor also weighs in favor of setting the default judgment aside. FTI’s prior failure to appear and defend its registrations is the direct product of its lack of notice of the institution of the Cancellation Proceeding and of the entry of default. *See Moon Decl.* ¶¶ 5–7. It was therefore not willful. Moreover, FTI’s lack of knowledge regarding the Cancellation Proceeding, entry of default, and potential entry of default judgment is not the product of gross negligence. FTI is a foreign entity that is not familiar with the judicial and administrative process in the United States. *See Moon Decl.* ¶ 3. To compensate for its unfamiliarity with U.S.

trademark law and to better protect its trademark interests, FTI repeatedly – both pre- and post-registration – designated the address of its attorney of record in Ithaca, New York as the correspondence address for all three registrations for the FTI Marks. *Id.* ¶ 9; *see also* Ex. J (containing FTI’s correspondence with the USPTO regarding the FTI Marks’ registrations, which all list the address of their attorney of record as the correspondence address). It therefore reasonably believed that all correspondence related to its registrations for the FTI Marks would go to that address. Thus, gross negligence is not present in this case.

Finally, the third factor weighs in favor of setting aside the default judgment. FTI has filed concurrently with this motion, a Notice of Opposition to one of Petitioner’s trademark applications that had been blocked by FTI’s registrations prior to the default judgment. That opposition proceeding is being filed on the basis of FTI’s substantial common law trademark rights that it has developed through continuous use in commerce of the FTI Marks. *See* Ex. K, FTI’s Notice of Opp’n. FTI’s common law rights alone provide FTI with a meritorious defense in the Cancellation Proceeding. Moreover, FTI anticipates that, should the Board grant FTI’s motion and re-open this proceeding, it may seek to file a motion to dismiss with regard to a number of the apparent grounds for cancellation that SBG raised in its Petition for Cancellation.<sup>11</sup> The Rule 60(b)(1) factors therefore favor setting aside the default judgment.

### **CONCLUSION**

For the foregoing reasons, FTI respectfully requests that the Board set aside the November 4 default judgment, reinstate the cancelled registrations, and reinstate the cancellation proceeding so that FTI can have the opportunity to defend its registrations that it was denied by entry of the default judgment.

---

<sup>11</sup> The Petition for Cancellation does not list individual grounds for cancellation with regard to any specific registration. It is apparent, however, that Petitioner seeks to rely on several potential theories, not all of which have been sufficiently pleaded.

Respectfully submitted this 29th day of January, 2015.

By counsel:

/William N. Federspiel/  
Janet P. Peyton (VSB No. 39496)  
jpeyton@mcguirewoods.com  
William N. Federspiel (VSB No. 76716)  
wfederspiel@mcguirewoods.com  
Amanda L. DeFord (VSB No. 85511)  
adeford@mcguirewoods.com  
**McGUIREWOODS LLP**  
One James Center  
901 East Cary Street  
Richmond, Virginia 23219-4030  
(804) 775-1000  
(804) 775-1061 (fax)

*Counsel for the FTI Corporation Limited*

**CERTIFICATE OF SERVICE**

I certify that, on January 29, 2015, a true and correct copy of this memorandum as well as the accompanying motion and exhibits, was served on Petitioner's attorney of record, pursuant to Trademark Rule 2.119, by sending the same via Federal Express mail to:

Roberta S. Bren  
Oblon, McClelland, Maier & Neustadt, LLP  
1940 Duke Street  
Alexandria, VA 22314

/ William N. Federspiel/  
William N. Federspiel

# **EXHIBIT A**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Registration of:**            **FTI Corporation Limited**

**Reg. Nos.:**                        **3,224,978, 3,476,081, and 3,476,082**

**Reg. Dates:**                    **April 3, 2007, July 29, 2008, and July 29, 2008**

**Marks:**

**REVO** , **revo** , and 

<b>SBG REVO HOLDINGS, LLC</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Cancellation No. 92059685</b>
	)	
<b>FTI CORPORATION LIMITED</b>	)	
	)	
<b>Registrant.</b>	)	

**DECLARATION OF JERRY MOON**

I, Jerry Moon, being duly sworn, state:

1.        My name is Jerry Moon. I am over the age of 18. I make the statements in this  
declaration based on my own personal knowledge and/or on the investigation made by my

employer, FTI Corporation Limited, into the facts discussed herein. I certify under oath that the statements made in this declaration are true to the best of my knowledge, information and belief.

2. I am currently employed by FTI Corporation Limited as Chief Executive Officer.

I have held this position with FTI Corporation Limited since [2007.02.08].

3. FTI Corporation Limited is a Hong Kong corporation with its primary place of business at 36/F Tower Two Times Square, 1 Matheson Street, Causeway Bay, HK. Prior to being at this address, FTI Corporation Limited's address was Rm 2-12 Blk2, 4/F Hang Fung Industrial Building, 2G Hok Yuen Street, Hung Hom, KL, HK from January 2010 until June 2011. Prior to January 2010, FTI Corporation Limited's address was Tower 1 China Hong Kong City, 33 Canton Road Flat Rm 901 9f, Tsim Sha Tsui KL, Hong Kong.

4. I am aware that FTI Corporation Limited owns a number of trademark registrations for the trademark REVO in International Class 18 for bags, luggage, and related items. Among these registrations are U.S. Trademark Registration Nos. 3,224,978, 3,476,081, and 3,476,082. I am also aware that these trademark registrations were cancelled on November 17, 2014 through a default judgment entered against FTI Corporation Limited.

5. FTI Corporation Limited first learned of the cancellation action and the default judgment regarding these trademark registrations from counsel on December 19, 2014. Prior to that time, FTI Corporation Limited never received any communications from the petitioner SBG

Revo Holdings, LLC regarding the cancellation action. Similarly, FTI Corporation Limited never received any communications from the Trademark Trial and Appeal Board regarding the institution and commencement of the cancellation proceedings. FTI Corporation Limited also never received any communications from the Trademark Trial and Appeal Board regarding the Notice of Default and Order to Show Cause that were entered by the Board in the cancellation proceedings and never received any communications from the Trademark Trial and Appeal Board regarding the entry of default judgment in the cancellation proceedings. I am also aware that none of these documents in the cancellation proceeding were ever published in the Official Gazette of the United States Patent and Trademark Office.

6. Furthermore, FTI Corporation Limited did not know about any aspect of the cancellation proceeding at the time that its Answer was due on September 7, 2014, at the time the Notice of Default was entered on September 23, 2014, or at the time the Default Judgment was entered on November 17, 2014.

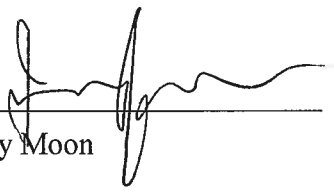
7. FTI Corporation Limited first learned of the cancellation proceeding, the Default Judgment, and the resulting cancellation of its registrations on December 19, 2014, as a result of communications with its attorneys regarding updating its trademark portfolio.

8. I understand that the Trademark Trial and Appeal Board attempted to serve documents related to the cancellation proceeding on FTI Corporation Limited at an incomplete version of the address 33 Canton Rd, Flat, RM 901 9/F, Tower 1, Hong Kong City, Tsim Sha Tsui, KL, Hong Kong, China.

9. FTI Corporation Limited is no longer at the 33 Canton Road address used by the Trademark Trial and Appeal Board. FTI Corporation Limited moved from that address in 2010. Furthermore, FTI Corporation Limited attempted to change its address with the United States Patent and Trademark Office to reflect the fact that that address was out of date in June 2010. At that time, FTI Corporation Limited attempted to designate the address of its U.S.-based trademark counsel as the correspondence address. That change was recorded with the United States Patent and Trademark Office on the record for Registration Nos. 3476081 and 3476082 in 2010.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Executed this 26 day of January 2015 at Zhengzhou City, Henan Province, China.



\_\_\_\_\_  
Jerry Moon  
CEO, FTI Corporation Limited

# **EXHIBIT B**



## United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)


## TTABVue. Trademark Trial and Appeal Board Inquiry System

v1.8

## Cancellation

Number: 92059685

Filing Date: 07/25/2014

Status: Terminated

Status Date: 11/17/2014

General Contact Number: 571-272-8500

Interlocutory Attorney: [ANDREW P BAXLEY](#)Paralegal Name: [VERONICA P WHITE](#)

## Defendant

Name: [FTI Corporation Limited](#)

## Correspondence:

FTI CORPORATION LIMITED  
TOWER 1 CHINA HONG KONG CITY , 33 CANTON ROAD FLAT RM 901 9F  
TSIM SHA TSUI KL,  
HONG KONG

Serial #: [78898885](#) [Application File](#)Registration #: [3224978](#)

Application Status: Cancelled - Section 18

Mark: REVO

Serial #: [77355473](#) [Application File](#)Registration #: [3476081](#)

Application Status: Cancelled - Section 18

Mark: REVO

Serial #: [77355492](#) [Application File](#)Registration #: [3476082](#)

Application Status: Cancelled - Section 18

Mark: REVO

## Plaintiff

Name: [SBG Revo Holdings, LLC](#)Correspondence: [ROBERTA S BREN](#)

OBLON SPIVAK MCCLELLAND ET AL  
1940 DUKE STREET  
ALEXANDRIA, VA 22314  
UNITED STATES  
tmdocket@oblon.com, rbren@oblon.com, bchapman@oblon.com

Serial #: [86087665](#) [Application File](#)

Application Status: Published For Opposition

Mark: REVO

Serial #: [73580130](#) [Application File](#)Registration #: [1406608](#)

Application Status: Renewed

Mark: REVO

## Prosecution History

#	Date	History Text	Due Date
<a href="#">9</a>	01/06/2015	<a href="#">D UNDELIVERABLE MAIL</a>	
8	11/17/2014	TERMINATED	

<a href="#">7</a>	11/17/2014	<a href="#">COMMR ORDER CANCELLING REG</a>	
<a href="#">6</a>	11/05/2014	<a href="#">PAPER RECEIVED AT TTAB</a>	
<a href="#">5</a>	11/04/2014	<a href="#">BD DECISION: GRANTED</a>	
<a href="#">4</a>	09/23/2014	<a href="#">NOTICE OF DEFAULT</a>	
3	07/29/2014	PENDING, INSTITUTED	
<a href="#">2</a>	07/29/2014	<a href="#">NOTICE AND TRIAL DATES SENT: ANSWER DUE:</a>	09/07/2014
<a href="#">1</a>	07/25/2014	<a href="#">FILED AND FEE</a>	

Results as of 01/28/2015 09:40 AM

[Back to search results](#)

Search:



# **EXHIBIT C**

**TTAB**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: September 23, 2014

Cancellation No. 92059685

78, 888, 885

SBG Revo Holdings, LLC

v.

FTI Corporation Limited

**Veronica P. White, Paralegal Specialist:**

An answer to the petition to cancel was due in this proceeding on September 7, 2014. Inasmuch as it appears that no answer has been filed, nor has respondent filed a motion to extend its time to answer, a notice of default is hereby entered against respondent under Fed. R. Civ. P. 55(a).<sup>1</sup>

Respondent is allowed until **THIRTY (30) DAYS** from the mailing date of this order to show cause why judgment by default should not be entered against respondent in accordance with Fed. R. Civ. P. 55(b)(2).

---

<sup>1</sup> Inasmuch as respondent is in default, the parties' obligations to hold the discovery conference, and to serve initial disclosures, are effectively stayed. See TBMP § 312.01.

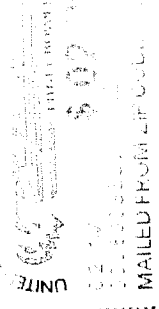


**11-03-2014**

**OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300**

FTI CORPORATION LIMITED  
33 CANTON ROAD  
FLAT 7  
HONG KONG,  
CHINA

CORREO AEREO  
**VIA AIR MAIL**  
PAR AVION



① 本報記者 王 宇  
 ② 本報記者 王 宇  
 ③ 本報記者 王 宇  
 ④ 本報記者 王 宇  
 ⑤ 本報記者 王 宇  
 ⑥ 本報記者 王 宇  
 ⑦ 本報記者 王 宇  
 ⑧ 本報記者 王 宇  
 ⑨ 本報記者 王 宇  
 ⑩ 本報記者 王 宇  
 ⑪ 本報記者 王 宇  
 ⑫ 本報記者 王 宇  
 ⑬ 本報記者 王 宇  
 ⑭ 本報記者 王 宇  
 ⑮ 本報記者 王 宇  
 ⑯ 本報記者 王 宇  
 ⑰ 本報記者 王 宇  
 ⑱ 本報記者 王 宇  
 ⑲ 本報記者 王 宇  
 ⑳ 本報記者 王 宇  
 ㉑ 本報記者 王 宇  
 ㉒ 本報記者 王 宇  
 ㉓ 本報記者 王 宇  
 ㉔ 本報記者 王 宇  
 ㉕ 本報記者 王 宇  
 ㉖ 本報記者 王 宇  
 ㉗ 本報記者 王 宇  
 ㉘ 本報記者 王 宇  
 ㉙ 本報記者 王 宇  
 ㉚ 本報記者 王 宇  
 ㉛ 本報記者 王 宇  
 ㉜ 本報記者 王 宇  
 ㉝ 本報記者 王 宇  
 ㉞ 本報記者 王 宇  
 ㉟ 本報記者 王 宇  
 ㊱ 本報記者 王 宇  
 ㊲ 本報記者 王 宇  
 ㊳ 本報記者 王 宇  
 ㊴ 本報記者 王 宇  
 ㊵ 本報記者 王 宇  
 ㊶ 本報記者 王 宇  
 ㊷ 本報記者 王 宇  
 ㊸ 本報記者 王 宇  
 ㊹ 本報記者 王 宇  
 ㊺ 本報記者 王 宇  
 ㊻ 本報記者 王 宇  
 ㊼ 本報記者 王 宇  
 ㊽ 本報記者 王 宇  
 ㊾ 本報記者 王 宇  
 ㊿ 本報記者 王 宇

# **EXHIBIT D**

**TTAB**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: July 29, 2014

# 78898885

Cancellation No. 92059685  
Registration No. 3224978, 3476081,  
3476082

FTI CORPORATION LIMITED  
33 CANTON RD, FLAT, RM 901 9/F  
TOWER 1, HONG KONG CITY, TSIM SHA TSUI, KL  
HONG KONG  
CHINA

SBG Revo Holdings, LLC

v.

FTI Corporation Limited

ROBERTA S BREN  
OBLON SPIVAK MCCLELLAND ET AL  
1940 DUKE STREET  
ALEXANDRIA, VA 22314  
UNITED STATES

**Nicole Thier, Paralegal Specialist:**

The petitioner (plaintiff) identified above has filed a petition for cancellation of the above-identified registration owned by respondent (defendant). A service copy of the petition for cancellation was forwarded to respondent by the petitioner. An electronic version of the petition for cancellation, and of the entire proceeding, is viewable on the Board's web page via the TTABVUE link: <http://ttabvue.uspto.gov/ttabvue/>.

**RESPONDENT MUST FILE AND SERVE ANSWER**

As required in the schedule set forth below, **respondent must file an answer within forty (40) days from the mailing date of this order.**



\*01-06-2015\*

(For guidance regarding when a deadline falls on a Saturday, Sunday or federal holiday, see Trademark Rule 2.196.) Respondent's answer must comply with Fed. R. Civ. P. 8(b), must contain admissions or denials of the allegations in the petition for cancellation, and may include available defenses and counterclaims. For guidance regarding the form and content of an answer, see Trademark Rule 2.114(b), and TBMP §§ 311.01 and 311.02. Failure to file a timely answer may result in entry of default judgment and the cancellation of the registration.

### **SERVICE OF ANSWER AND OF ALL FILINGS**

The answer, and **all** other filings in this proceeding, **must** be served in a manner specified in Trademark Rule 2.119(b), and **must** include proof of service. For guidance regarding the service and signing of all filings, see TBMP §§ 113-113.04. As noted in TBMP § 113.03, proof of service should be in the following certificate of service form:

*I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party).*

Signature \_\_\_\_\_  
Date \_\_\_\_\_

The parties may agree to forward service copies by electronic transmission, e.g., e-mail. See Trademark Rule 2.119(b)(6) and TBMP §113.04. Pursuant to Trademark Rule 2.119(c), however, five additional days are afforded only to actions taken in response to papers served by first-class mail, "Express Mail," or overnight courier, not by electronic transmission.

### **LEGAL RESOURCES AVAILABLE AT WEB PAGE**

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. These rules, as well as amendments thereto, the Manual of Procedure (TBMP), information on Accelerated Case Resolution (ACR) and Alternative Dispute Resolution (ADR), and many Frequently Asked Questions, are available on the Board's web page, at:

<http://www.uspto.gov/trademarks/process/appeal/index.jsp>. For a general description of Board proceedings, see TBMP §102.03.

### **FILING PAPERS ONLINE**

The link to the Board's electronic filing system, ESTTA (Electronic System for Trademark Trials and Appeals), is at the Board's web page, at:

<http://estta.uspto.gov/>. The Board **strongly encourages parties to use ESTTA** for all filings. ESTTA provides various electronic filing forms; some may be used as is, and others may require attachments. For technical difficulties with ESTTA, parties may call 571-272-8500. Due to potential technical issues, parties should not wait until the last date of a deadline for filing papers. The Board may decline to consider any untimely filing.

#### **PETITIONER'S OBLIGATION IF SERVICE IS INEFFECTIVE**

If a service copy of the petition for cancellation is returned to petitioner as undeliverable or petitioner otherwise becomes aware that service has been ineffective, petitioner must notify the Board in writing within ten (10) days of receipt of the returned copy. Notification to the Board may be provided by any means available for filing papers with the Board, but preferably should be provided **by written notice filed through ESTTA**. For guidance regarding notice of ineffective service, *see* Trademark Rule 2.111(b) and TBMP § 309.02(c)(2).

While petitioner is under no obligation to search for current correspondence address information for, or investigate the whereabouts of, any respondent petitioner is unable to serve, if petitioner knows of any new address information for the respondent, petitioner must report the address to the Board. If a petitioner notifies the Board that a service copy sent to a respondent was returned or not delivered, including any case in which the notification includes a new address for the respondent discovered by or reported to petitioner, the Board will give notice under Trademark Rule 2.118.

#### **FORMAT FOR ALL FILINGS**

Trademark Rule 2.126 sets forth the required form and format for all filings. The Board may **decline to consider** any filing that does not comply with this rule, including, but not limited to motions, briefs, exhibits and deposition transcripts.

#### **CONFERENCE, DISCOVERY, DISCLOSURE AND TRIAL SCHEDULE**

Time to Answer	9/7/2014
Deadline for Discovery Conference	10/7/2014
Discovery Opens	10/7/2014
Initial Disclosures Due	11/6/2014
Expert Disclosures Due	3/6/2015
Discovery Closes	4/5/2015
Plaintiff's Pretrial Disclosures	5/20/2015
Plaintiff's 30-day Trial Period Ends	7/4/2015
Defendant's Pretrial Disclosures	7/19/2015
Defendant's 30-day Trial Period Ends	9/2/2015
Plaintiff's Rebuttal Disclosures	9/17/2015
Plaintiff's 15-day Rebuttal Period Ends	10/17/2015

#### **PARTIES ARE REQUIRED TO HOLD DISCOVERY CONFERENCE**

As noted in the schedule above, the parties are required to schedule and to participate with each other in a discovery conference by the deadline in the schedule. For guidance, see Fed. R. Civ. P. 26(f), Trademark Rule 2.120(a)(2), and TBMP § 401.01. In the conference, the parties are required to discuss (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling or at least narrowing the scope of claims or defenses, and (3) arrangements for disclosures, discovery and introduction of evidence at trial, if the parties are unable to settle at this time.

Discussion of amendments of otherwise prescribed procedures can include limitations on disclosures and/or discovery, willingness to stipulate to facts, and willingness to stipulate to more efficient options for introducing at trial information or materials obtained through disclosures or discovery.

The parties must hold the conference in person, by telephone, or by any means on which they agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such request is made no later than ten (10) days prior to the conference deadline. See Trademark Rule 2.120(a)(2). A request for Board participation must be made either through an ESTTA filing, or by telephone call to the assigned interlocutory attorney whose name is on the TTABVue record for this proceeding. A party should request Board participation only after the parties have agreed on possible dates and times for the conference. A conference with the participation of a Board attorney will be by telephone, and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the Board attorney.



### **PROTECTIVE ORDER FOR CONFIDENTIAL INFORMATION**

The Board's Standard Protective Order is applicable, and is available at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>.

During their conference, the parties should discuss whether they agree to supplement or amend the standard order, or substitute a protective agreement of their choosing, subject to approval by the Board. See Trademark Rule 2.116(g) and TBMP § 412. The standard order does not automatically protect a party's confidential information and its provisions for the designation of confidential information must be utilized as needed by the parties.

### **ACCELERATED CASE RESOLUTION**

During their conference, the parties should discuss whether they wish to seek mediation or arbitration, and whether they can stipulate to follow the Board's Accelerated Case Resolution (ACR) process for a more efficient and economical means of obtaining the Board's determination of the proceeding. For guidance regarding ACR, see TBMP § 528. Detailed information on ACR, and examples of ACR cases and suggestions, are available at the Board's webpage, at: <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

### **DISCOVERY AND INTERLOCUTORY PROCEDURES**

For guidance regarding discovery, see Trademark Rule 2.120 and TBMP Chapter 400, regarding the deadline for and contents of initial disclosures, see Trademark Rule 2.120(a)(2) and TBMP § 401.02, and regarding the discoverability of various matters, see TBMP § 414. Certain provisions of Fed. R. Civ. P. 26 are applicable in modified form. The interlocutory attorney has discretion to require the parties, or to grant a request made by one or both parties, to resolve matters of concern to the Board, or a contested motion, by telephone conference. See Trademark Rule 2.120(i)(1) and TBMP § 502.06(a).

### **TRIAL**

For guidance regarding trial and testimony procedures, see Trademark Rules 2.121, 2.123 and 2.125, as well as TBMP Chapter 700. The parties should review authorities regarding the introduction of evidence during the trial phase, including by notice of reliance and by taking testimony from witnesses. For instance, any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties, and any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on each adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after completion of the testimony deposition.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing is not required, but will be scheduled upon request of any party, pursuant to Trademark Rule 2.129. For guidance regarding briefing and an oral hearing, *see* TBMP §§ 801-802.

**PARTIES NOT REPRESENTED BY COUNSEL**

This proceeding is similar to a civil action in a federal district court. The Board **strongly** advises all parties to secure the services of an attorney who is familiar with trademark law and Board procedure. Strict compliance with the Trademark Rules of Practice and, where applicable, the Federal Rules of Civil Procedure, is required of all parties, whether or not they are represented by counsel. Parties not represented by such an attorney are directed to read the Frequently Asked Questions, available at the Board's web page: <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

**PARTIES MUST NOTIFY BOARD OF OTHER PENDING ACTIONS**

If the parties are, or during the pendency of this proceeding become, parties in another Board proceeding or a civil action involving the same or related marks, or involving any issues of law or fact which are also in this proceeding, they shall notify the Board immediately, so the Board can consider whether consolidation and/or suspension of proceedings is appropriate. *See* TBMP § 511.

United States Patent and Trademark Office  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
If Undeliverable Return in Ten Days

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER

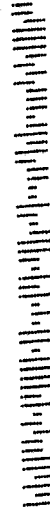
CORREO AEREO  
*VIA AIR MAIL*  
PAR AVION

920596\$5

FTI CORPORATION LIMITED  
33 CANTON RD  
FLAT  
HONG KONG,  
CHINA

RETURN (TST/DO)

Address unknown 地址未知	<input type="checkbox"/> Refused 拒收
Not occupied 无人居住	<input type="checkbox"/> Unclaimed 无人认领
Moved, redirection service not arranged 已搬遷，收件人並無安排轉寄服務	
Incomplete address 地址不全	
to each address 請寄到每個地址	



# **EXHIBIT E**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: July 29, 2014

Cancellation No. 92059685  
Registration No. 3224978, 3476081,  
3476082

FTI CORPORATION LIMITED  
33 CANTON RD, FLAT, RM 901 9/F  
TOWER 1, HONG KONG CITY, TSIM SHA TSUI, KL  
HONG KONG  
CHINA

SBG Revo Holdings, LLC

v.

FTI Corporation Limited

ROBERTA S BREN  
OBLON SPIVAK MCCLELLAND ET AL  
1940 DUKE STREET  
ALEXANDRIA, VA 22314  
UNITED STATES

**Nicole Thier, Paralegal Specialist:**

The petitioner (plaintiff) identified above has filed a petition for cancellation of the above-identified registration owned by respondent (defendant). A service copy of the petition for cancellation was forwarded to respondent by the petitioner. An electronic version of the petition for cancellation, and of the entire proceeding, is viewable on the Board's web page via the TTABVUE link: <http://ttabvue.uspto.gov/ttabvue/>.

**RESPONDENT MUST FILE AND SERVE ANSWER**

As required in the schedule set forth below, **respondent must file an answer within forty (40) days from the mailing date of this order.**

(For guidance regarding when a deadline falls on a Saturday, Sunday or federal holiday, *see* Trademark Rule 2.196.) Respondent's answer must comply with Fed. R. Civ. P. 8(b), must contain admissions or denials of the allegations in the petition for cancellation, and may include available defenses and counterclaims. For guidance regarding the form and content of an answer, *see* Trademark Rule 2.114(b), and TBMP §§ 311.01 and 311.02. Failure to file a timely answer may result in entry of default judgment and the cancellation of the registration.

### **SERVICE OF ANSWER AND OF ALL FILINGS**

The answer, and **all** other filings in this proceeding, **must** be served in a manner specified in Trademark Rule 2.119(b), and **must** include proof of service. For guidance regarding the service and signing of all filings, *see* TBMP §§ 113-113.04. As noted in TBMP § 113.03, proof of service should be in the following certificate of service form:

*I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party).*

*Signature* \_\_\_\_\_

*Date* \_\_\_\_\_

The parties may agree to forward service copies by electronic transmission, *e.g.*, e-mail. *See* Trademark Rule 2.119(b)(6) and TBMP §113.04. Pursuant to Trademark Rule 2.119(c), however, five additional days are afforded only to actions taken in response to papers served by first-class mail, "Express Mail," or overnight courier, not by electronic transmission.

### **LEGAL RESOURCES AVAILABLE AT WEB PAGE**

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. These rules, as well as amendments thereto, the Manual of Procedure (TBMP), information on Accelerated Case Resolution (ACR) and Alternative Dispute Resolution (ADR), and many Frequently Asked Questions, are available on the Board's web page, at:

<http://www.uspto.gov/trademarks/process/appeal/index.jsp>. For a general description of Board proceedings, *see* TBMP §102.03.

### **FILING PAPERS ONLINE**

The link to the Board's electronic filing system, ESTTA (Electronic System for Trademark Trials and Appeals), is at the Board's web page, at:

<http://estta.uspto.gov/>. The Board **strongly encourages parties to use ESTTA** for all filings. ESTTA provides various electronic filing forms; some may be used as is, and others may require attachments. For technical difficulties with ESTTA, parties may call 571-272-8500. Due to potential technical issues, parties should not wait until the last date of a deadline for filing papers. The Board may decline to consider any untimely filing.

#### **PETITIONER'S OBLIGATION IF SERVICE IS INEFFECTIVE**

If a service copy of the petition for cancellation is returned to petitioner as undeliverable or petitioner otherwise becomes aware that service has been ineffective, petitioner must notify the Board in writing within ten (10) days of receipt of the returned copy. Notification to the Board may be provided by any means available for filing papers with the Board, but preferably should be provided **by written notice filed through ESTTA**. For guidance regarding notice of ineffective service, *see* Trademark Rule 2.111(b) and TBMP § 309.02(c)(2).

While petitioner is under no obligation to search for current correspondence address information for, or investigate the whereabouts of, any respondent petitioner is unable to serve, if petitioner knows of any new address information for the respondent, petitioner must report the address to the Board. If a petitioner notifies the Board that a service copy sent to a respondent was returned or not delivered, including any case in which the notification includes a new address for the respondent discovered by or reported to petitioner, the Board will give notice under Trademark Rule 2.118.

#### **FORMAT FOR ALL FILINGS**

Trademark Rule 2.126 sets forth the required form and format for all filings. The Board may **decline to consider** any filing that does not comply with this rule, including, but not limited to motions, briefs, exhibits and deposition transcripts.

#### **CONFERENCE, DISCOVERY, DISCLOSURE AND TRIAL SCHEDULE**

Time to Answer	9/7/2014
Deadline for Discovery Conference	10/7/2014
Discovery Opens	10/7/2014
Initial Disclosures Due	11/6/2014
Expert Disclosures Due	3/6/2015
Discovery Closes	4/5/2015
Plaintiff's Pretrial Disclosures	5/20/2015
Plaintiff's 30-day Trial Period Ends	7/4/2015
Defendant's Pretrial Disclosures	7/19/2015
Defendant's 30-day Trial Period Ends	9/2/2015
Plaintiff's Rebuttal Disclosures	9/17/2015
Plaintiff's 15-day Rebuttal Period Ends	10/17/2015

#### **PARTIES ARE REQUIRED TO HOLD DISCOVERY CONFERENCE**

As noted in the schedule above, the parties are required to schedule and to participate with each other in a discovery conference by the deadline in the schedule. For guidance, see Fed. R. Civ. P. 26(f), Trademark Rule 2.120(a)(2), and TBMP § 401.01. In the conference, the parties are required to discuss (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling or at least narrowing the scope of claims or defenses, and (3) arrangements for disclosures, discovery and introduction of evidence at trial, if the parties are unable to settle at this time.

Discussion of amendments of otherwise prescribed procedures can include limitations on disclosures and/or discovery, willingness to stipulate to facts, and willingness to stipulate to more efficient options for introducing at trial information or materials obtained through disclosures or discovery.

The parties must hold the conference in person, by telephone, or by any means on which they agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such request is made no later than ten (10) days prior to the conference deadline. See Trademark Rule 2.120(a)(2). A request for Board participation must be made either through an ESTTA filing, or by telephone call to the assigned interlocutory attorney whose name is on the TTABVue record for this proceeding. A party should request Board participation only after the parties have agreed on possible dates and times for the conference. A conference with the participation of a Board attorney will be by telephone, and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the Board attorney.



### **PROTECTIVE ORDER FOR CONFIDENTIAL INFORMATION**

The Board's Standard Protective Order is applicable, and is available at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>.

During their conference, the parties should discuss whether they agree to supplement or amend the standard order, or substitute a protective agreement of their choosing, subject to approval by the Board. *See* Trademark Rule 2.116(g) and TBMP § 412. The standard order does not automatically protect a party's confidential information and its provisions for the designation of confidential information must be utilized as needed by the parties.

### **ACCELERATED CASE RESOLUTION**

During their conference, the parties should discuss whether they wish to seek mediation or arbitration, and whether they can stipulate to follow the Board's Accelerated Case Resolution (ACR) process for a more efficient and economical means of obtaining the Board's determination of the proceeding. For guidance regarding ACR, *see* TBMP § 528. Detailed information on ACR, and examples of ACR cases and suggestions, are available at the Board's webpage, at: <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

### **DISCOVERY AND INTERLOCUTORY PROCEDURES**

For guidance regarding discovery, *see* Trademark Rule 2.120 and TBMP Chapter 400, regarding the deadline for and contents of initial disclosures, *see* Trademark Rule 2.120(a)(2) and TBMP § 401.02, and regarding the discoverability of various matters, *see* TBMP § 414. Certain provisions of Fed. R. Civ. P. 26 are applicable in modified form. The interlocutory attorney has discretion to require the parties, or to grant a request made by one or both parties, to resolve matters of concern to the Board, or a contested motion, by telephone conference. *See* Trademark Rule 2.120(i)(1) and TBMP § 502.06(a).

### **TRIAL**

For guidance regarding trial and testimony procedures, *see* Trademark Rules 2.121, 2.123 and 2.125, as well as TBMP Chapter 700. The parties should review authorities regarding the introduction of evidence during the trial phase, including by notice of reliance and by taking testimony from witnesses. For instance, any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties, and any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on each adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after completion of the testimony deposition.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing is not required, but will be scheduled upon request of any party, pursuant to Trademark Rule 2.129. For guidance regarding briefing and an oral hearing, *see* TBMP §§ 801-802.

#### **PARTIES NOT REPRESENTED BY COUNSEL**

This proceeding is similar to a civil action in a federal district court. The Board **strongly** advises all parties to secure the services of an attorney who is familiar with trademark law and Board procedure. Strict compliance with the Trademark Rules of Practice and, where applicable, the Federal Rules of Civil Procedure, is required of all parties, whether or not they are represented by counsel. Parties not represented by such an attorney are directed to read the Frequently Asked Questions, available at the Board's web page: <http://www.uspto.gov/trademarks/process/appeal/index.jsp>.

#### **PARTIES MUST NOTIFY BOARD OF OTHER PENDING ACTIONS**

If the parties are, or during the pendency of this proceeding become, parties in another Board proceeding or a civil action involving the same or related marks, or involving any issues of law or fact which are also in this proceeding, they shall notify the Board immediately, so the Board can consider whether consolidation and/or suspension of proceedings is appropriate. *See* TBMP § 511.

# **EXHIBIT F**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: September 23, 2014

Cancellation No. 92059685

SBG Revo Holdings, LLC

v.

FTI Corporation Limited

**Veronica P. White, Paralegal Specialist:**

An answer to the petition to cancel was due in this proceeding on September 7, 2014. Inasmuch as it appears that no answer has been filed, nor has respondent filed a motion to extend its time to answer, a notice of default is hereby entered against respondent under Fed. R. Civ. P. 55(a).<sup>1</sup>

Respondent is allowed until **THIRTY (30) DAYS** from the mailing date of this order to show cause why judgment by default should not be entered against respondent in accordance with Fed. R. Civ. P. 55(b)(2).

---

<sup>1</sup> Inasmuch as respondent is in default, the parties' obligations to hold the discovery conference, and to serve initial disclosures, are effectively stayed. See TBMP § 312.01.

# **EXHIBIT G**

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

VW

Mailed: November 4, 2014

Cancellation No. 92059685

SBG Revo Holdings, LLC

v.

FTI Corporation Limited

**By the Trademark Trial and Appeal Board:**

On September 23, 2014, the Board issued a notice of default to respondent because no answer had been filed.

No response to the notice of default has been filed.

Accordingly, judgment by default is hereby entered against respondent, the petition to cancel is granted, and Registration Nos. 3224978, 3476081 and 3476082 will be cancelled in due course by the Commissioner for Trademarks. *See* Fed. R. Civ. P. 55(b), and Trademark Rule 2.114(a).

cc:

FTI Corporation Limited  
Rm F2-12 Block 2 4F Hang Fung Ind Bldg  
2G Hok Yuen St Hung Hom K1  
Hong Kong  
China

# **EXHIBIT H**

## Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355473
<b>REGISTRATION NUMBER</b>	3476081
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 105
<b>MARK SECTION</b>	
<b>MARK</b>	REVO (stylized and/or with design)
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	33 CANTON RD FLAT/RM 901 9/F TOWER 1 CHINA HONG KONG CITY
<b>CITY</b>	TSIM SHA TSUI, KL
<b>COUNTRY</b>	HK
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	MICHAEL F. BROWN BROWN & MICHAELS PC 118 NORTH TIOGA STREET 400 M&T BANK BUILDING ITHACA New York 14850 United States 607-256-2000 607-256-3628 docket@bpmlegal.com
<b>NEW OWNER ADDRESS</b>	
<b>INTERNAL ADDRESS</b>	Rm F2-12 Block2 4F Hang Fung Ind. Bldg.
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	



<b>FAX</b>	852-2754-0852
<b>NEW CORRESPONDENCE ADDRESS FOR OWNER</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Echo Hsu/
<b>SIGNATORY NAME</b>	Echo Hsu
<b>SIGNATORY DATE</b>	06/25/2010
<b>SIGNATORY POSITION</b>	Corporate Secretary
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Jun 24 23:31:32 EDT 2010
<b>TEAS STAMP</b>	USPTO/COA-61.221.34.98-20 100624233132194014-773554 73-460a7863475daef7d5adf3 8dff4c131367-N/A-N/A-2010 0624232428045215

## Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355492
<b>REGISTRATION NUMBER</b>	3476082
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 105
<b>MARK SECTION</b>	
<b>MARK</b>	REVO (stylized and/or with design)
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	33 CANTON RD FLAT/RM 901 9/F TOWER 1 CHINA HONG KONG CITY
<b>CITY</b>	TSIM SHA TSUI, KL
<b>COUNTRY</b>	HK
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	MICHAEL F. BROWN BROWN & MICHAELS PC 118 NORTH TIOGA STREET 400 M&T BANK BUILDING ITHACA New York 14850 United States 607-256-2000 607-256-3628 docket@bpmlegal.com
<b>NEW OWNER ADDRESS</b>	
<b>INTERNAL ADDRESS</b>	Rm F2-12 Block2 4F Hang Fung Ind. Bldg.
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	

<b>FAX</b>	852-2754-0852
<b>NEW CORRESPONDENCE ADDRESS FOR OWNER</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Echo Hsu/
<b>SIGNATORY NAME</b>	Echo Hsu
<b>SIGNATORY DATE</b>	06/25/2010
<b>SIGNATORY POSITION</b>	Corporate Secretary
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Jun 24 23:37:02 EDT 2010
<b>TEAS STAMP</b>	USPTO/COA-61.221.34.98-20 100624233702165757-773554 92-460e26ac3f95eae5494f38 7a512221d347a-N/A-N/A-201 00624233237493677

# **EXHIBIT I**

ESTTA Tracking number: **ESTTA617656**Filing date: **07/25/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	SBG REVO HOLDINGS, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	1065 Avenue of the Americas 30th Floor New York, NY 10018 UNITED STATES		

Attorney information	ROBERTA S. BREN OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314 UNITED STATES tmdocket@oblon.com, rbren@oblon.com, bchapman@oblon.com Phone:7034133000
----------------------	--

**Registrations Subject to Cancellation**

Registration No	3224978	Registration date	04/03/2007
Registrant	FTI CORPORATION LIMITED 33 CANTON RD - FLAT / RM 901 9/F TSIM SHA TSUI, KL, HONG KONG		

**Goods/Services Subject to Cancellation**

Class 018. First Use: 2005/12/31 First Use In Commerce: 2006/01/25

All goods and services in the class are cancelled, namely: Bags, namely, luggage, travel bags, traveling bags, all purpose sports bags, athletic bags, backpacks, beach bags, clutch bags, diaper bags, gym bags, school bags, shoulder bags, tote bags, purses, handbags and knapsacks

**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)		
Registration No	3476081	Registration date	07/29/2008
Registrant	FTI CORPORATION LIMITED Rm F2-12 Block2 4F Hang Fung Ind. Bldg. Hong Kong, CHINA		

**Goods/Services Subject to Cancellation**

Class 018. First Use: 2006/06/30 First Use In Commerce: 2007/05/31

All goods and services in the class are cancelled, namely: Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imita-

tion leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached
---

## Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>		808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)	
Registration No	3476082	Registration date	07/29/2008
Registrant	FTI CORPORATION LIMITED Rm F2-12 Block2 4F Hang Fung Ind. Bldg. Hong Kong, CHINA		

## Goods/Services Subject to Cancellation

Class 018. First Use: 2006/06/30 First Use In Commerce: 2007/05/31 All goods and services in the class are cancelled, namely: Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached
---

## Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
---	---

Attachments	Petition for Cancellation.pdf(952430 bytes )
-------------	--


## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.


Signature	/roberta s. bren/cli/
Name	ROBERTA S. BREN
Date	07/25/2014




of Rm F2-12 Block2 4F Hang Fung Ind. Bldg., 2G Hok Yuen St. Hung Hom K1, Hong Kong, China, as set forth in the records of the United States Patent and Trademark Office (“USPTO”).

3. Petitioner owns U.S. Application Serial No. 86/087665 for the mark , filed October 9, 2013, for “Back packs, luggage, sports bags, all purpose sports bags, all purpose carrying bags, tote bags, travel bags, key cases and wallets, umbrellas.”

4. The USPTO Trademark Examining Attorney issued an Office Action in Application Serial No. 86/087665 on January 28, 2014 refusing registration of Petitioner’s mark under Section 2(d) of the Trademark Act, 15 USC §1052(d), based on cited Registration Nos. 3224978, 3476081 and 3476082.

5. Petitioner owns Registration No. 1406608, issued August 26, 1986 for the mark  for “Sunglasses.” Said registration is valid and subsisting and has achieved incontestable status. Pursuant to Trademark Rule 2.122(d)(1), a printout from the USPTO’s TSDR electronic database showing the current status and current title of Petitioner’s registration is attached as Exhibit 1.

6. Prior to Respondent’s earliest filing date of the three registrations (June 2, 2006), Petitioner used and is now using its REVO marks in connection with sunglasses, frames, cases, and related goods in commerce.

7. On June 2, 2006, Fair Trade Enterprise Co., Ltd. (a corporation of Taiwan, located in Taipei, Taiwan) filed the underlying application for Registration No. 3224978, for the mark  for “bags, namely, luggage, travel bags, travelling bags, all purpose sports bags, athletic bags, backpacks, beach bags, clutch bags, diaper bags, gym bags, school bags, shoulder bags, tote bags, purses, handbags and knapsacks.” In December 2007, an assignment of



Registration No. 3224978 from Fair Trade Enterprise Co. Ltd. to FTI Corporation Limited was filed with and recorded by the USPTO Assignment Branch at Reel 3681 / Frame 0361.

8. On December 19, 2007, Respondent filed the underlying application for

**REVO**

Registration No. 3476081 for the mark for “Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached.”

9. On December 19, 2007, Respondent filed the underlying application for

**REVO**

Registration No. 3476082, for the mark for “Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached.”

10. The current owner of Registration Nos. 3224978, 3476081 and 3476082 as listed in the records of the USPTO is FTI Corporation Limited.

11. As noted above, the **REVO** Registration No. 3224978 was assigned from Fair Trade Enterprise Co., Ltd. to Respondent in 2007.

12. On its face, the assignment of the **REVO** registration from Fair Trade Enterprise Co., Ltd. to FTI Corporation Limited does not refer to an assignment of the mark, does not recite a transfer of goodwill, and does not refer to any consideration.

13. The assignment that was recorded by the USPTO at Reel 3681 / Frame 0361 for Registration No. 3224978 lacks consideration and therefore is void.

14. Pursuant to Section 10(a)(1) of the Trademark Act, 15 USC §1060(a)(1), a mark must be assigned with the goodwill of the business in which the mark is used. An “assignment in gross” of a mark (without the appurtenant goodwill) is invalid and therefore does not pass rights to the purported assignee.

15. The assignment that was recorded by the USPTO at Reel 3681 / Frame 0361 for Registration No. 3224978 did not include goodwill and therefore is void.

16. As a result of the lack of consideration and failure to assign goodwill at the time of the alleged assignment, Respondent cannot claim trademark ownership from the alleged predecessor, and therefore Registration No. 3224978 should be cancelled.

17. Fair Trade Enterprise Co., Ltd. filed an application with the USPTO for the mark **REVO**, based on Section 1(a) of the Trademark Act, 15 USC §1051(a), averring use of the mark in commerce on all the identified goods, and supported by the Declaration signed under oath under notice of Section 1001 of Title 18 of the United States Code on June 2, 2006 by Michael F. Brown as “Attorney.” This application was assigned Serial No. 78/898885, and it issued as Registration No. 3224978 on April 3, 2007.

18. The Section 8 Declaration of Use (15 USC §1058) was filed for Registration No. 3224978 averring use of the mark in commerce on all the identified goods, and supported by the Declaration signed under oath under notice of Section 1001 of Title 18 of the United States Code

on April 10, 2012 by Michael F. Brown as “Attorney of Record” for Respondent. The Section 8 Declaration was accepted by the USPTO on April 21, 2012.

19. Fair Trade Enterprise Co., Ltd.’s and Respondent’s averments of use of the mark **REVO** on or in connection with all goods recited in the use-based application and in the Section 8 Declaration of Use, were made with knowledge that said averments were false. Said material false misrepresentations, made knowingly, were made with the intent to deceive the USPTO and to induce employees of the USPTO to allow Respondent to obtain and maintain a registration.

20. Petitioner alleges that Fair Trade Enterprise Co., Ltd.’s averment made under oath under notice of Section 1001 of Title 18 of the United States Code by Michael F. Brown in the application regarding Fair Trade Enterprise Co., Ltd.’s ownership of the mark and that no other entity has the right to use the mark are both false statements because Fair Trade Enterprise Co., Ltd. was aware that Petitioner’s predecessor (Luxottica Group S.p.A.) owned and used the mark REVO.

21. Petitioner alleges that Respondent’s averment made under oath under notice of Section 1001 of Title 18 of the United States Code by Michael F. Brown in the Section 8 Declaration of Use regarding ownership of the mark was false because Respondent was aware that the assignment was void and Petitioner’s predecessor (Luxottica Group S.p.A.) had superior rights in the mark.

22. Petitioner alleges that the averments of ownership of the mark and that no other entity has the right to use the mark made by Fair Trade Enterprise Co., Ltd. in filing its Application Serial No. 78/898885, as well as the averment of ownership made by Respondent in maintaining the resulting Registration No. 3224978, were made with the knowledge that said

averred material facts were false. Said false averments were made with the intent to deceive the USPTO and to induce the employees of the USPTO to grant and later maintain a registration, and reasonably relying on the truth of the false averments, the USPTO did grant and later maintain Registration No. 3224978.

23. As a separate ground, upon information and belief, Petitioner alleges that Respondent has not used the **REVO** mark on or in connection with each item of goods identified in Registration No. 3224978. Therefore, Respondent's registration should be cancelled based on non-use of the mark under Section 1(a) of the Trademark Act, 15 USC §1051(a).

24. Upon information and belief, Respondent is not now using the mark **REVO** on or in connection with each item of goods identified in Registration No. 3224978.

25. Upon information and belief, Respondent has never used the mark **REVO** on or in connection with each item of goods identified in Registration No. 3224978.

26. Respondent filed an application with the USPTO for the mark **REVO**, based on Section 1(a) of the Trademark Act, 15 USC §1051(a), averring use of the mark in commerce on all the identified goods, and supported by the Declaration signed under oath under notice of Section 1001 of Title 18 of the United States Code on December 19, 2007 by Michael F. Brown as "Attorney of Record." This application was assigned Serial No. 77/355473, and it issued as Registration No. 3476081 on July 29, 2008.

27. The Section 8 Declaration of Use (15 USC §1058) was filed for Registration No. 3476081 averring use of the mark in commerce on all the identified goods, and supported by the Declaration signed under oath under notice of Section 1001 of Title 18 of the United States Code

on August 12, 2013 by Michael F. Brown as “Attorney of Record” for Respondent. The Section 8 Declaration was accepted by the USPTO on August 27, 2013.

**REVO**


28. Respondent’s averments of use of the mark on or in connection with all goods recited in the use-based application and in the Section 8 Declaration of Use, were made with knowledge that said averments were false. Said material false misrepresentations, made knowingly, were made with the intent to deceive the USPTO and to induce employees of the USPTO to allow Respondent to obtain and maintain a registration.


29. Petitioner alleges that Respondent’s averments made under oath under notice of Section 1001 of Title 18 of the United States Code by Michael F. Brown in the application regarding Respondent’s ownership of the mark and that no other entity has the right to use the mark are both false statements because Respondent was aware that Petitioner’s predecessor (Luxottica Group S.p.A.) owned and used the mark REVO.


30. Petitioner alleges that Respondent’s averment made under oath under notice of Section 1001 of Title 18 of the United States Code by Michael F. Brown in the Section 8 Declaration of Use regarding ownership of the mark was false because Respondent was aware that Petitioner’s predecessor (Luxottica Group S.p.A.) had superior rights in the mark.


31. Petitioner alleges that the averments of ownership of the mark and that no other entity has the right to use the mark made by Respondent in filing its Application Serial No. 77/355473, as well as the averment of ownership made by Respondent in maintaining the resulting Registration No. 3476081, were made with the knowledge that said averred material facts were false. Said false averments were made with the intent to deceive the USPTO and to induce the employees of the USPTO to grant and later maintain a registration, and reasonably

relying on the truth of the false averments, the USPTO did grant and later maintain Registration No. 3476081.

32. As a separate ground, upon information and belief, Petitioner alleges that Respondent has not used the  mark on or in connection with each item of goods identified in Registration No. 3476081. Therefore, Respondent's registration should be cancelled based on non-use of the mark under Section 1(a) of the Trademark Act, 15 USC §1051(a).

33. Upon information and belief, Respondent is not now using the mark  on or in connection with each item of goods identified in Registration No. 3476081.

34. Upon information and belief, Respondent has never used the mark  on or in connection with each item of goods identified in Registration No. 3476081.

35. Respondent filed an application with the USPTO for the mark , based on Section 1(a) of the Trademark Act, 15 USC §1051(a), averring use of the mark in commerce on all the identified goods, and supported by the Declaration signed under oath under notice of Section 1001 of Title 18 of the United States Code on December 19, 2007 by Michael F. Brown as "Attorney of Record." This application was assigned Serial No. 77/355492, and it issued as Registration No. 3476082 on July 29, 2008.

36. The Section 8 Declaration of Use (15 USC §1058) was filed for Registration No. 3476082 averring use of the mark in commerce on all the identified goods, and supported by the Declaration signed under oath under notice of Section 1001 of Title 18 of the United States Code

on August 12, 2013 by Michael F. Brown as “Attorney of Record” for Respondent. The Section 8 Declaration was accepted by the USPTO on August 27, 2013.



37. Respondent’s averments of use of the mark on or in connection with all goods recited in the use-based application and in the Section 8 Declaration of Use, were made with knowledge that said averments were false. Said material false misrepresentations, made knowingly, were made with the intent to deceive the USPTO and to induce employees of the USPTO to allow Respondent to obtain and maintain a registration.

38. Petitioner alleges that Respondent’s averments made under oath by Michael F. Brown in the application under notice of Section 1001 of Title 18 of the United States Code regarding Respondent’s ownership of the mark and that no other entity has the right to use the mark are both false statements because Respondent was aware that Petitioner’s predecessor (Luxottica Group S.p.A.) owned and used the mark REVO.

39. Petitioner alleges that Respondent’s averment made under oath by Michael F. Brown in the Section 8 Declaration of Use under notice of Section 1001 of Title 18 of the United States Code regarding ownership of the mark was false because Respondent was aware that Petitioner’s predecessor (Luxottica Group S.p.A.) had superior rights in the mark.

40. Petitioner alleges that the averments of ownership of the mark and that no other entity has the right to use the mark made by Respondent in filing its Application Serial No. 77/355492, as well as the averment of ownership made by Respondent in maintaining the resulting Registration No. 3476082, were made with the knowledge that said averred material facts were false. Said false averments were made with the intent to deceive the USPTO and to induce the employees of the USPTO to grant and later maintain a registration, and reasonably

relying on the truth of the false averments, the USPTO did grant and later maintain Registration No. 3476082.

41. As a separate ground, upon information and belief, Petitioner alleges that



Respondent has not used the mark on or in connection with each item of goods identified in Registration No. 3476082. Therefore, Respondent's registration should be cancelled based on non-use of the mark under Section 1(a) of the Trademark Act, 15 USC §1051(a).



42. Upon information and belief, Respondent is not now using the mark on or in connection with each item of goods identified in Registration No. 3476082.



43. Upon information and belief, Respondent has never used the mark on or in connection with each item of goods identified in Registration No. 3476082.

44. Petitioner alleges that in view of Respondent's three registrations for REVO marks (appearing in different stylized fonts), Respondent has engaged in a pattern of multiple fraudulent statements made to the USPTO in multiple applications resulting in their issuance as registrations. In the interests of justice, the repetitive fraudulent statements by Respondent should result in the cancellation of Respondent's three involved registrations.

45. Fair Trade Enterprise Co., Ltd. and Respondent adopted the three involved REVO marks knowing of Petitioner and/or Petitioner's predecessor with the intent to trade on the goodwill associated with Petitioner's REVO marks.



46. Petitioner alleges that it will be damaged by the continued registration of Respondent's Registration Nos. 3224978 and 3476081 and 3476082.

WHEREFORE, SBG REVO HOLDINGS, LLC prays that its Petition for Cancellation be granted, that judgment be entered in favor of Petitioner, and that Respondent's Registration Nos. 3224978, 3476081 and 3476082 be cancelled.

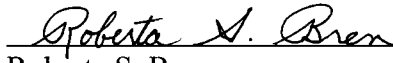
Petitioner has appointed ROBERTA S. BREN, a member of the law firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, L.L.P., a member of the Bar of the Commonwealth of Virginia, and other attorneys at the firm, to prosecute this Cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

ROBERTA S. BREN  
OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.  
1940 Duke Street  
Alexandria, VA 22314  
USA

The required filing fee for the Petition for Cancellation is being paid online. The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-2014.

Respectfully submitted,

SBG REVO HOLDINGS, LLC

By:   
Roberta S. Bren  
Beth A. Chapman  
Oblon, Spivak, McClelland,  
Maier & Neustadt, L.L.P.  
1940 Duke Street  
Alexandria, VA 22314  
(703) 413-3000  
fax (703) 413-2220  
e-mail: [tmdocket@oblon.com](mailto:tmdocket@oblon.com)  
Counsel for Petitioner

Date: July 25, 2014

RSB/BAC/cli {10564016\_1.DOCX}

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **PETITION FOR CANCELLATION** was served on Respondent at Respondent's two addresses of record in the USPTO for the three involved registrations, pursuant to Trademark Rule 2.111, this 25th day of July, 2014, by sending same via overseas Airmail, postage prepaid, to:

FTI CORPORATION LIMITED  
33 Canton Rd – Flat / Rm 901 9/F  
Tower 1 China Hong Kong City  
Tsim Sha Tsui, KL  
Hong Kong  
China

FTI CORPORATION LIMITED  
Rm F2-12 Block2 4F Hang Fung Ind. Bldg.  
2G Hok Yuen St. Hung Hom K1  
Hong Kong  
China

and with an additional copy sent to an address believed to be more current for Respondent, by sending same via overseas Airmail, postage prepaid, to:

FTI CORPORATION LIMITED  
36/F Tower Two Times Square  
1 Matheson Street  
Causeway Bay  
Hong Kong  
China



---

Carlette Lisenby

# **EXHIBIT 1**

Generated on: This page was generated by TSDR on 2014-07-25 10:21:59 EDT

Mark: REVO

REVO

US Serial Number: 73580130

Application Filing Date: Jan. 29, 1986

US Registration Number: 1406608

Registration Date: Aug. 26, 1986

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Oct. 23, 2006

Publication Date: Jun. 03, 1986

## Mark Information

Mark Literal Elements: REVO

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

For: SUNGLASSES

International Class(es): 009 - Primary Class

U.S Class(es): 026

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 05, 1985

Use in Commerce: Dec. 05, 1985

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: SBG REVO HOLDINGS, LLC

Owner Address: 1065 AVENUE OF THE AMERICAS  
30TH FLOOR  
NEW YORK, NEW YORK 10018  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: MICHAEL A. GROW

### Correspondent

Correspondent MICHAEL A. GROW  
Name/Address: ARENT FOX LLP  
1717 K Street, NW

WASHINGTON, DISTRICT OF COLUMBIA 20036-5342  
UNITED STATES

Phone: 202 857 6389

Fax: 202 857 6395

Domestic Representative

Domestic Representative Name: MICHAEL A. GROW

## Prosecution History

Date	Description	Proceeding Number
Nov. 13, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 05, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 23, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70619
Oct. 23, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 23, 2006	ASSIGNED TO PARALEGAL	70619
Sep. 29, 2006	CASE FILE IN TIGRS	
Aug. 14, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 14, 2006	PAPER RECEIVED	
Sep. 29, 1992	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jun. 04, 1992	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 26, 1986	REGISTERED-PRINCIPAL REGISTER	
Jun. 03, 1986	PUBLISHED FOR OPPOSITION	
May 04, 1986	NOTICE OF PUBLICATION	
Mar. 27, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 26, 1986	ASSIGNED TO EXAMINER	63030

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Aug. 26, 2006

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Oct. 23, 2006

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 15

Registrant: COOPERVISION, INC.

### Assignment 1 of 15

Conveyance: CHANGE OF NAME 19870622

Reel/Frame: 0591/0947

Pages: 1

Date Recorded: Feb. 08, 1988

Supporting Documents: No Supporting Documents Available

### Assignor

Name: COOPERVISION, INC.

Execution Date: Nov. 02, 1987

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: COOPER COMPANIES, INC., THE

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

Correspondent

Correspondent Name: LIDDY, SULLIVAN, ET AL.

Correspondent Address: 80 FIFTH AVENUE  
NEW YORK, NY 10011

Domestic Representative - Not Found

Assignment 2 of 15

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0602/0538

Pages: 2

Date Recorded: May 18, 1988

Supporting Documents: No Supporting Documents Available

Assignor

Name: COOPER COMPANIES, INC., THE

Execution Date: Feb. 09, 1988

Legal Entity Type: UNKNOWN

State or Country Where  
Organized: No Place Where Organized Found

Assignee

Name: COOPER DEVELOPMENT COMPANY

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWARE

Address: 75 WILLOW ROAD  
MENLO PARK, CALIFORNIA

Correspondent

Correspondent Name: LIDDY, SULLIVAN, ET AL.

Correspondent Address: 80 FIFTH AVENUE  
NEW YORK, NY 10011

Domestic Representative - Not Found

Assignment 3 of 15

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: 0623/0612

Pages: 0

Date Recorded: Oct. 31, 1988

Supporting Documents: No Supporting Documents Available

Assignor

Name: COOPER DEVELOPMENT COMPANY

Execution Date: Jun. 29, 1988

Legal Entity Type: UNKNOWN

State or Country Where  
Organized: No Place Where Organized Found

Assignee

Name: REVO, INC.

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWARE

Address: No Assignee Address Found

Correspondent

Correspondent Name: LIDDY, SULLIVAN, ET AL.

Correspondent Address: 80 FIFTH AVENUE  
NEW YORK, NY 10011

Domestic Representative - Not Found

Assignment 4 of 15

Conveyance: SECURITY INTEREST

Reel/Frame: 1035/0277

Pages: 22

Date Recorded: Sep. 24, 1993

Supporting Documents: No Supporting Documents Available

Assignor

Name: REVO, INC.

Execution Date: Aug. 20, 1993

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWARE

Assignee

Name: FREMONT FINANCIAL CORPORATION

Legal Entity Type: CORPORATION

State or Country Where  
Organized: CALIFORNIA

Address: SUITE 600 2020 SANTA MONICA BLVD. SANTA MONICA, CA 90404-5559

**Correspondent**

**Correspondent Name:** RON N. DREBEN  
**Correspondent Address:** MORGAN, LEWIS & BOCKIUS  
1800 M ST., NW  
SUITE 600N  
WASHINGTON, DC 20036

**Domestic Representative - Not Found**

**Assignment 5 of 15**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

**Reel/Frame:** 1131/0348

**Pages:** 6

**Date Recorded:** Apr. 08, 1994

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** REVO, INC.

**Execution Date:** Jan. 28, 1994

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

**Assignee**

**Name:** BAUSCH & LOMB INCORPORATED

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** NEW YORK

**Address:** ONE CHASE SQUARE ROCHESTER, NY 14601

**Correspondent**

**Correspondent Name:** JON O. WEBSTER  
**Correspondent Address:** BAUSCH & LOMB INCORPORATED  
ONE CHASE SQUARE  
ROCHESTER, NY 14601

**Domestic Representative - Not Found**

**Assignment 6 of 15**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

**Reel/Frame:** 1142/0423

**Pages:** 5

**Date Recorded:** Apr. 26, 1994

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** BAUSCH & LOMB INCORPORATED

**Execution Date:** Apr. 11, 1994

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** NEW YORK

**Assignee**

**Name:** REVO, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

**Address:** 455 EAST MIDDLEFIELD ROAD  
MOUNTAIN VIEW, CA 94043

**Correspondent**

**Correspondent Name:** JON O. WEBSTER  
**Correspondent Address:** BAUSCH & LOMB INCORPORATED  
ONE CHASE SQUARE  
ROCHESTER, NY 14601

**Domestic Representative - Not Found**

**Assignment 7 of 15**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** 2018/0950

**Pages:** 6

**Date Recorded:** Jan. 19, 2000

**Supporting Documents:** assignment-tm-2018-0950.pdf

**Assignor**

**Name:** REVO, INC.

**Execution Date:** Nov. 15, 1999

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

**Assignee**

**Name:** LUXOTTICA LEASING S.P.A.

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** ITALY



Address: VIA VALCOZZENA  
AGORDO (BELLUNO), ITALY 32021

Correspondent

Correspondent Name: ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
Correspondent Address: MICHAEL A. GROW  
1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 8 of 15

Conveyance: CHANGE IN LEGAL STATUS

Reel/Frame: 3203/0851

Pages: 5

Date Recorded: Apr. 29, 2005

Supporting Documents: assignment-tm-3203-0851.pdf

Assignor

Name: LUXOTTICA LEASING S.P.A.

Execution Date: May 10, 2004

Legal Entity Type: CORPORATION

State or Country Where  
Organized: ITALY

Assignee

Name: LUXOTTICA LEASING S.R.L.

Legal Entity Type: LIMITED LIABILITY ITALY

State or Country Where  
Organized: No Place Where Organized Found

Address: VIA VALCOZZENA 10  
AGORDO (BL), ITALY 32021

Correspondent

Correspondent Name: MICHAEL A. GROW  
Correspondent Address: ARENT FOX PLLC  
1050 CONNECTICUT AVENUE NW  
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 9 of 15

Conveyance: NUNC PRO TUNC ASSIGNMENT

Reel/Frame: 3155/0893

Pages: 8

Date Recorded: Apr. 29, 2005

Supporting Documents: assignment-tm-3155-0893.pdf

Assignor

Name: LUXOTTICA LEASING S.R.L.

Execution Date: Feb. 28, 2005

Legal Entity Type: LIMITED LIABILITY CO

State or Country Where  
Organized: ITALY

Assignee

Name: KILLER LOOP EYEWEAR S.R.L.

Legal Entity Type: LIMITED LIABILITY CO

State or Country Where  
Organized: ITALY

Address: VIA VALCOZZENA 10  
AGORDO (BL), ITALY 32021

Correspondent

Correspondent Name: MICHAEL A. GROW  
Correspondent Address: ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036

Domestic Representative - Not Found

Assignment 10 of 15

Conveyance: CHANGE IN LEGAL STATUS

Reel/Frame: 3205/0429

Pages: 6

Date Recorded: Oct. 06, 2005

Supporting Documents: assignment-tm-3205-0429.pdf

Assignor

Name: KILLER LOOP EYEWEAR S.R.L.

Execution Date: Feb. 28, 2005

Legal Entity Type: LIMITED LIABILITY CO

State or Country Where  
Organized: No Place Where Organized Found

Assignee

Name: KILLER LOOP EYEWEAR S.P.A.  
Legal Entity Type: UNKNOWN  
State or Country Where Organized: No Place Where Organized Found  
Address: VIA VALCOZZENA 10  
AGORDO (BL), ITALY 32021  
Correspondent  
Correspondent Name: MICHAEL A. GROW  
Correspondent Address: ARENT FOX PLLC  
1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036  
Domestic Representative - Not Found  
Assignment 11 of 15

Conveyance: MERGER  
Reel/Frame: 3230/0499 Pages: 11  
Date Recorded: Jan. 19, 2006  
Supporting Documents: assignment-tm-3230-0499.pdf  
Assignor  
Name: KILLER LOOP EYEWEAR S.P.A. Execution Date: Sep. 16, 2005  
Legal Entity Type: CORPORATION  
State or Country Where Organized: ITALY  
Assignee  
Name: LUXOTTICA S.R.L.  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: ITALY  
Address: VIA VALCOZZENA, 10  
32021 AGORDO (BL), ITALY  
Correspondent  
Correspondent Name: MICHAEL A. GROW  
Correspondent Address: 1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036  
Domestic Representative  
Domestic Representative Name: MICHAEL A. GROW  
Domestic Representative Address: 1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036

Assignment 12 of 15  
Conveyance: ASSIGNS THE ENTIRE INTEREST  
Reel/Frame: 3695/0294 Pages: 9  
Date Recorded: Jan. 14, 2008  
Supporting Documents: assignment-lm-3695-0294.pdf  
Assignor  
Name: LUXOTTICA S.R.L. Execution Date: Dec. 20, 2007  
Legal Entity Type: LIMITED LIABILITY COMPANY  
State or Country Where Organized: ITALY  
Assignee  
Name: LUXOTTICA GROUP S.P.A.  
Legal Entity Type: CORPORATION  
State or Country Where Organized: No Place Where Organized Found  
Address: VIA CESARE CANTU, 2  
20123 MILAN (MI), ITALY  
Correspondent  
Correspondent Name: MICHAEL A. GROW  
Correspondent Address: 1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036  
Domestic Representative  
Domestic Representative Name: MICHAEL A. GROW  
Domestic Representative Address: 1050 CONNECTICUT AVENUE, NW  
WASHINGTON, DC 20036

Assignment 13 of 15  
Conveyance: RESPONSE TO NON-RECORDATION OF AN ASSIGNMENT DOCUMENT

Reel/Frame: 5149/0351

Pages: 35

Date Recorded: Oct. 09, 2013

Supporting Documents: assignment-tm-5149-0351.pdf

**Assignor**

Name: LUXOTTICA GROUP S.P.A.

Execution Date: Aug. 02, 2013

Legal Entity Type: COMPANY

State or Country Where  
Organized: ITALY

**Assignee**

Name: SBG REVO HOLDINGS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: DELAWARE

Address: 1065 AVENUE OF THE AMERICAS  
30TH FLOOR  
NEW YORK, NEW YORK 10018

**Correspondent**

Correspondent Name: ROBERTA S. BREN & OBLON, SPIVAK, ET AL.

Correspondent Address: 1940 DUKE STREET  
ALEXANDRIA, VA 22314

Domestic Representative - Not Found

**Assignment 14 of 15**

Conveyance: SECURITY INTEREST

Reel/Frame: 5239/0038

Pages: 9

Date Recorded: Mar. 18, 2014

Supporting Documents: assignment-tm-5239-0038.pdf

**Assignor**

Name: SEQUENTIAL BRANDS GROUP, INC.

Execution Date: Feb. 21, 2014

Legal Entity Type: CORPORATION

State or Country Where  
Organized: DELAWARE

Name: HEELING SPORTS LIMITED

Execution Date: Feb. 21, 2014

Legal Entity Type: PARTNERSHIP

State or Country Where  
Organized: TEXAS

Name: BRAND MATTER, LLC

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: DELAWARE

Name: SEQUENTIAL LICENSING, INC.

Execution Date: Feb. 21, 2014

Legal Entity Type: CORPORATION

State or Country Where  
Organized: CALIFORNIA

DBA, AKA, TA, Formerly: FORMERLY VERSATILE ENTERTAINMENT,  
INC.

Name: WILLIAM RAST LICENSING, LLC

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: CALIFORNIA

Name: SBG REVO HOLDINGS, LLC

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where  
Organized: DELAWARE

**Assignee**

Name: BANK OF AMERICA, N.A.

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where  
Organized: UNITED STATES

Address: 100 FEDERAL STREET  
9TH FLOOR  
BOSTON, MASSACHUSETTS 02110

**Correspondent**

Correspondent Name: ROBERTA S. BREN & OBLON, SPIVAK, ET AL.

Correspondent Address: 1940 DUKE STREET  
ALEXANDRIA, VA 22314

Domestic Representative - Not Found

**Assignment 15 of 15**

Conveyance: SECURITY INTEREST

Reel/Frame: 5239/0087

Pages: 10

Date Recorded: Mar. 18, 2014

Supporting Documents: [assignment-tm-5239-0087.pdf](#)

**Assignor**

Name: SEQUENTIAL BRANDS GROUP, INC.

Execution Date: Feb. 21, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: HEELING SPORTS LIMITED

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where Organized: TEXAS

Name: BRAND MATTER, LLC

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: SEQUENTIAL LICENSING, INC.

Execution Date: Feb. 21, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

DBA, AKA, TA, Formerly: FORMERLY VERSATILE ENTERTAINMENT, INC.

Name: WILLIAM RAST LICENSING, LLC

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Name: SBG REVO HOLDINGS, LLC

Execution Date: Feb. 21, 2014

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Assignee**

Name: PATHLIGHT CAPITAL, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 100 POST OFFICE SQUARE  
SUITE 3765  
BOSTON, MASSACHUSETTS 02109

**Correspondent**

Correspondent Name: ROBERTA S. BREN & OBLON, SPIVAK, ET AL.

Correspondent Address: 1940 DUKE STREET  
ALEXANDRIA, VA 22314

Domestic Representative - Not Found

## Proceedings

**Summary**

Number of Proceedings: 8

**Type of Proceeding: Opposition**

Proceeding Number: 91217419

Filing Date: Jul 17, 2014

Status: Pending

Status Date: Jul 17, 2014

Interlocutory Attorney: YONG OH (RICHARD) KIM

**Defendant**

Name: Kind Chem Product Development, LLC

Correspondent Address: KIND CHEM PRODUCT DEVELOPMENT, LLC  
KIND CHEM PRODUCT DEVELOPMENT, LLC  
55 VILLAGE PL  
GLASTONBURY CT, 06033-1677

Correspondent e-mail: [sk@kindchemical.com](mailto:sk@kindchemical.com)

**Associated marks**

Mark

Application Status

Serial Number

Registration Number

REVO

Opposition Pending

86008133

Plaintiff(s)

Name: SBG REVO HOLDINGS, LLC

Correspondent Address: Roberta S. Bren  
Oblon, Spivak, McClelland, Maier & Neustadt, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA VA, 22314

## UNITED STATES

Correspondent e-mail: [lmddocket@oblon.com](mailto:lmddocket@oblon.com), [rbren@oblon.com](mailto:rbren@oblon.com), [bchapman@oblon.com](mailto:bchapman@oblon.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
REVO	Renewed	<u>73580130</u>	<u>1406608</u>
REVO REFLEX	Registered	<u>79067721</u>	<u>3708976</u>
REVO	Registered	<u>79097644</u>	<u>4137435</u>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 17, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 17, 2014	Aug 26, 2014
3	PENDING, INSTITUTED	Jul 17, 2014	

## Type of Proceeding: Opposition

Proceeding Number: 91193673

Filing Date: Feb 04, 2010

Status: Terminated

Status Date: Sep 20, 2010

Interlocutory Attorney: ROBERT COGGINS

## Defendant

Name: Cycles Lambert Inc.

Correspondent Address: SIMON LEMAY  
925 GRANDE ALLEE WEST, SUITE 500  
QUEBEC CITY QC, G1S1C1  
CANADACorrespondent e-mail: [slemay@lavery.ca](mailto:slemay@lavery.ca)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
EVO	Registered	<u>77743900</u>	<u>3897793</u>

## Plaintiff(s)

Name: Luxottica Group S.p.A.

Correspondent Address: MICHAEL A. GROW  
ARENT FOX LLP  
1050 CONNECTICUT AVENUE NW  
WASHINGTON DC, 20036  
UNITED STATESCorrespondent e-mail: [grow.michael@arentfox.com](mailto:grow.michael@arentfox.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
REVO	Renewed	<u>73580130</u>	<u>1406608</u>
REVO REFLEX	Registered	<u>79067721</u>	<u>3708976</u>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 04, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 04, 2010	Mar 16, 2010
3	PENDING, INSTITUTED	Feb 04, 2010	
4	STIPULATION FOR AN EXTENSION OF TIME	Mar 11, 2010	
5	EXTENSION OF TIME GRANTED	Mar 11, 2010	
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 14, 2010	
7	EXTENSION OF TIME GRANTED	Jun 14, 2010	
8	D'S REQUEST TO AMEND APPLICATION WITH CONSENT	Aug 27, 2010	
9	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 13, 2010	Oct 13, 2010
10	WITHDRAWAL OF OPPOSITION	Sep 15, 2010	
11	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 20, 2010	
12	TERMINATED	Sep 20, 2010	

**Type of Proceeding: Opposition****Proceeding Number:** 91187881**Filing Date:** Dec 04, 2008**Status:** Terminated**Status Date:** Aug 12, 2009**Interlocutory Attorney:** YONG OH (RICHARD) KIM**Defendant****Name:** KBC America, Inc.**Correspondent Address:** DAVID R. SCHAFFER  
MILES & STOCKBRIDGE P.C.  
1751 PINNACLE DR, SUITE 500  
MC LEAN VA, 22102-3833  
UNITED STATES**Correspondent e-mail:** [dschaffer@milesstockbridge.com](mailto:dschaffer@milesstockbridge.com), [ipdocketing@milesstockbridge.com](mailto:ipdocketing@milesstockbridge.com), [swatting@milesstockbridge.com](mailto:swatting@milesstockbridge.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
EVO	Abandoned - No Statement Of Use Filed Plaintiff(s)	<u>77494445</u>	

**Name:** Luxottica Group S.p.A.**Correspondent Address:** Michael A. Grow  
Arent Fox LLP  
1050 Connecticut Ave. N.W.  
Washington DC, 20036  
UNITED STATES**Correspondent e-mail:** [grow.michael@arentfox.com](mailto:grow.michael@arentfox.com), [Giuliani.Chiara@ARENTFOX.COM](mailto:Giuliani.Chiara@ARENTFOX.COM), [Henry.Eileen@ARENTFOX.COM](mailto:Henry.Eileen@ARENTFOX.COM)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REVO	Cancelled - Section 8	<u>73698686</u>	<u>1544207</u>
REVO	Renewed	<u>73580130</u>	<u>1406608</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 04, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 04, 2008	Jan 13, 2009
3	PENDING, INSTITUTED	Dec 04, 2008	
4	STIPULATION FOR AN EXTENSION OF TIME	Jan 12, 2009	
5	EXTENSION OF TIME GRANTED	Jan 12, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Feb 11, 2009	
7	EXTENSION OF TIME GRANTED	Feb 11, 2009	
8	STIPULATION FOR AN EXTENSION OF TIME	Mar 11, 2009	
9	EXTENSION OF TIME GRANTED	Mar 11, 2009	
10	STIP TO SUSPEND PEND SETTLEMENT NEGOTNS	May 12, 2009	
11	SUSPENDED	May 12, 2009	
12	MOTION TO AMEND APPLICATION	Jul 14, 2009	
13	P'S MOTION TO SUSPEND	Jul 14, 2009	
14	RESPONSE DUE 30 DAYS (DUE DATE)	Aug 06, 2009	Sep 05, 2009
15	WITHDRAWAL OF OPPOSITION	Aug 07, 2009	
16	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 12, 2009	
17	TERMINATED	Aug 12, 2009	

**Type of Proceeding: Opposition****Proceeding Number:** 91157324**Filing Date:** Jul 22, 2003**Status:** Terminated**Status Date:** Jan 22, 2004**Interlocutory Attorney:** KAREN S KUHLKE**Defendant****Name:** Louis Garneau Sports Inc.**Correspondent Address:** THOMAS W. BROOKE  
HOLLAND & KNIGHT, LLP

2099 PENNSYLVANIA AVENUE, N.W., STE 100  
WASHINGTON DC , 20006-6801  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REV	Abandoned - After Inter-Partes Decision	<u>76407088</u>	

**Plaintiff(s)**

**Name:** Luxottica Leasing S.P.A.

**Correspondent Address:** CHIARA GIULIANI  
ARENT, FOX, KINTNER, PLOTKIN & KAHN, PLLC  
1050 CONNECTICUT AVENUE, N.W.  
WASHINGTON DC , 20036  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REVO	Renewed	<u>73580130</u>	<u>1406608</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 22, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 12, 2003	Sep 21, 2003
3	PENDING, INSTITUTED	Aug 12, 2003	
4	NOTICE OF DEFAULT	Nov 03, 2003	
5	P'S MOTION FOR DEFAULT JUDGEMENT	Oct 20, 2003	
6	BOARD'S DECISION: SUSTAINED	Jan 22, 2004	
7	TERMINATED	Jan 22, 2004	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** 76407088

**Filing Date:** May 22, 2003

**Status:** Terminated

**Status Date:** May 22, 2003

**Interlocutory Attorney:**

**Defendant**

**Name:** LOUIS GARNEAU SPORTS INC.

**Correspondent Address:** THOMAS W. BROOKE  
HOLLAND & KNIGHT, LLP  
2099 PENNSYLVANIA AVENUE, N.W., STE 100  
WASHINGTON DC , 20006-6801  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REV	Abandoned - After Inter-Partes Decision	<u>76407088</u>	

**Potential Opposer(s)**

**Name:** Luxottica Leasing S.p.A.

**Correspondent Address:** Michael A. Grow  
Arent, Fox, Kintner, Plotkin & Kahn, PLLC  
1050 Connecticut Avenue, NW  
Washington DC , 20036  
UNITED STATES

**Name:** Luxottica Leasing S.P.A.

**Correspondent Address:** CHIARA GIULIANI  
ARENT, FOX, KINTNER, PLOTKIN & KAHN, PLLC  
1050 CONNECTICUT AVENUE, N.W.  
WASHINGTON DC , 20036  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REVO	Renewed	<u>73580130</u>	<u>1406608</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
--------------	--------------	------	----------

1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 25, 2003
2	EXTENSION OF TIME GRANTED	May 22, 2003
3	TERMINATED	Aug 12, 2003

**Type of Proceeding: Opposition**

Proceeding Number: 91121593

Filing Date: Jan 10, 2001

Status: Terminated

Status Date: May 15, 2001

Interlocutory Attorney: LINDA M SKORO

**Defendant**

Name: MITANI USA INC.

Correspondent Address: RONALD R. SNIDER  
SNIDER & ASSOCIATES  
1146 NINETEENTH STREET, 5TH FLOOR  
WASHINGTON DC , 20036  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REVOLV MITANI	Abandoned - After Inter-Partes Decision	<u>75922834</u>	

**Plaintiff(s)**

Name: LUXOTTICA LEASING S.P.A.

Correspondent Address: MICHAEL A. GROW  
ARENT FOX KINTNER PLOTIKIN & KAHN, PLLC  
1050 CONNECTICUT AVENUE, N.W.  
WASHINGTON DC , 20036  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REVO	Renewed	<u>73580130</u>	<u>1406608</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 10, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 23, 2001	Mar 04, 2001
3	PENDING, INSTITUTED	Jan 23, 2001	
4	DEF. REQ FOR EXT OF TIME TO ANSWER	Mar 02, 2001	
5	DEF. REQ FOR EXT OF TIME	Mar 14, 2001	
6	DEFENDANT'S ABANDONMENT	Apr 09, 2001	
7	BOARD'S DECISION: SUSTAINED	May 15, 2001	
8	TERMINATED	May 15, 2001	

**Type of Proceeding: Opposition**

Proceeding Number: 91100799

Filing Date: Feb 16, 1996

Status: Terminated

Status Date: Apr 16, 1997

Interlocutory Attorney:

**Defendant**

Name: NO OWNER INFORMATION AVAILABLE

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
REIVO	Renewed	<u>74519506</u>	<u>2066102</u>

**Plaintiff(s)**

Name: REVO, INC.

Correspondent Address: JON O. WEBSTER  
ONE BAUSCH & LOMB PLACE  
ROCHESTER NY , 14604-2701  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------



REVO

Renewed

735801301406608

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 16, 1996	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Mar 06, 1996	Apr 18, 1996
3	PENDING, INSTITUTED	Mar 06, 1996	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 12, 1996	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 24, 1996	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 26, 1996	
7	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 28, 1996	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 28, 1996	
9	PROCDS SUSP 6 MONTHS	Nov 20, 1996	
10	WITHDRAWAL OF OPPOSITION	Mar 19, 1997	
11	DSMD W/PREJ	Apr 16, 1997	
12	TERMINATED	Apr 16, 1997	
13	BD'S DECISION: DISMISSED W/ PREJUDICE	Apr 16, 1997	
14	TERMINATED	Apr 16, 1997	

## Type of Proceeding: Opposition

Proceeding Number: 91077381

Filing Date: Dec 26, 1987

Status: Terminated

Status Date: Aug 07, 1989

Interlocutory Attorney:

Defendant

Name: INTERNATIONAL TROPIC-CAL, INC.

Correspondent Address: MARVIN E. JACOBS  
SUITE 215  
2151 ALESSANDRO DRIVE  
VENTURA CA , 93001  
UNITED STATES

## Associated marks

Mark	Application Status	Serial Number	Registration Number
SKIVO	Abandoned - After Inter-Partes Decision	<u>73659371</u>	
	Plaintiff(s)		

Name: COOPERVISION, INC.

Correspondent Address: LIDDY, SULLIVAN, GALWAY & BEGLER  
80 FIFTH AVENUE  
NEW YORK NY , 10011  
UNITED STATES

## Associated marks

Mark	Application Status	Serial Number	Registration Number
REVO	Renewed	<u>73580130</u>	<u>1406608</u>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED & FEE	Dec 28, 1987	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Jan 26, 1988	Mar 07, 1988
3	PENDING, INSTITUTED	Jan 26, 1988	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 07, 1988	
5	ANSWER DUE (DUE DATE)	Mar 29, 1988	May 06, 1988
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 03, 1988	
7	ANSWER DUE (DUE DATE)	May 23, 1988	Jun 06, 1988
8	ANSWER DUE (DUE DATE)	May 23, 1988	Jun 06, 1988
9	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 31, 1988	
10	ANSWER DUE (DUE DATE)	Jun 24, 1988	Aug 06, 1988

11	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 11, 1988
12	SUSPENDED	Sep 15, 1988
13	OP SUSTAINED BY DEFAULT	Apr 12, 1989
14	WITHDRAWAL OF OPPOSITION	May 01, 1989
15	WITHDRAWAL OF APPLICATION	May 01, 1989
16	PL COPY OF RECORDALOF CHANGE OF NAME	Jun 16, 1989
17	BD'S DECISION: DISMISSED W/ PREJUDICE	Jul 26, 1989
18	TERMINATED	Aug 07, 1989

# **EXHIBIT J**

## TRADEMARK ASSIGNMENT

Electronic Version v1.1

Stylesheet Version v1.1

SUBMISSION TYPE:

NEW ASSIGNMENT

NATURE OF CONVEYANCE:

ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

## CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Fair Trade Enterprise Co., Ltd.		11/30/2007	CORPORATION: TAIWAN

## RECEIVING PARTY DATA

Name:	FTI Corporation Limited
Street Address:	33 Canton Rd - Flat / Rm 901 9/F
Internal Address:	Tower 1 China Hong Kong City
City:	Tsim Sha Tsui, KL
State/Country:	HONG KONG
Entity Type:	CORPORATION: HONG KONG

## PROPERTY NUMBERS Total: 1

Property Type	Number	Word Mark
Registration Number:	3224978	REVO

## CORRESPONDENCE DATA

Fax Number: (607)256-3628

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 607-256-2000

Email: brown@bpmlegal.com

Correspondent Name: Michael F. Brown

Address Line 1: 400 M&amp;T Bank Building

Address Line 2: 118 North Tioga Street

Address Line 4: Ithaca, NEW YORK 14850

ATTORNEY DOCKET NUMBER:

FIP.1312UTAB

## DOMESTIC REPRESENTATIVE

Name:

Address Line 1:

Address Line 2:

900094579

TRADEMARK  
REEL: 003681 FRAME: 0361

OP \$40.00 3224978

Address Line 3:

Address Line 4:

NAME OF SUBMITTER:

Michael F. Brown

Signature:

/mfb #29619/

Date:

12/19/2007

Total Attachments: 1

source=assignment#page1.tif

## **ASSIGNMENT AGREEMENT**

The Assignor,

**FAIR TRADE ENTERPRISE CO., LTD.**

(Name)

**15F, NO. 167, FU HSING N. RD. TAIPEI, TAIWAN R.O.C.**

(Address)

of the Trademark Registration No. **3,224,978** with the title "**REVO (stylized)**"  
(Class: **18**) herewith assigns the entire right, title and interest in respect of this  
trademark registration in the United States unto

The Assignee,

**FTI CORPORATION LIMITED**

(Name)

**FLAT/RM 901 9/F**

**TOWER 1 CHINA HONG KONG CITY**

**33 CANTON RD**

**TSIM SHA TSUI, KL**

(Address)

(Signature of the Assignor)

Date:

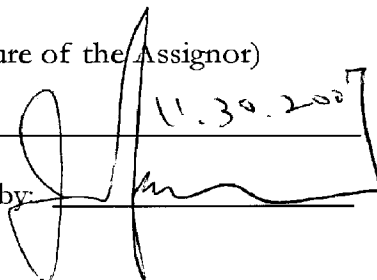
11.30.2007

(Signature of the Assignee)

Date:

11.30.2007

Signed by:



Signed by:

Hsu Hsin Chuan

## Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3224978
REGISTRATION DATE	04/03/2007
SERIAL NUMBER	78898885
MARK SECTION	
MARK	REVO (stylized and/or with design)
ATTORNEY SECTION (current)	
NAME	Michael F. Brown
FIRM NAME	BROWN & MICHAELS PC
INTERNAL ADDRESS	400 M&T BANK BUILDING
STREET	118 NORTH TIOGA STREET
CITY	ITHACA
STATE	New York
POSTAL CODE	14850
COUNTRY	United States
PHONE	607-256-2000
FAX	607-256-3628
ATTORNEY SECTION (proposed)	
NAME	Michael F. Brown
FIRM NAME	BROWN & MICHAELS PC
INTERNAL ADDRESS	400 M&T BANK BUILDING
STREET	118 NORTH TIOGA STREET
CITY	ITHACA
STATE	New York

<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	FIP-1312UTab
<b>OTHER APPOINTED ATTORNEY</b>	Christopher A. Michaels, Meghan Van Leeuwen
<b>CORRESPONDENCE SECTION (current)</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>FIRM NAME</b>	BROWN & MICHAELS PC
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>FIRM NAME</b>	BROWN & MICHAELS PC
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628



EMAIL	docket@bpmlegal.com;brown@bpmlegal.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET/REFERENCE NUMBER	FIP-1312UTab
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	018
GOODS OR SERVICES	Bags, namely, luggage, travel bags, travelling bags, all purpose sports bags, athletic bags, backpacks, beach bags, clutch bags, diaper bags, gym bags, school bags, shoulder bags, tote bags, purses, handbags and knapsacks
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT11\IMAGEOUT11\788\988\78898885\xml1\ S080002.JPG</a>
SPECIMEN DESCRIPTION	The specimen consists of a photograph of a travel bag bearing the mark.
<b>OWNER SECTION (current)</b>	
NAME	FTI CORPORATION LIMITED
STREET	33 CANTON RD - FLAT / RM 901 9/F
CITY	TSIM SHA TSUI, KL
COUNTRY	Hong Kong
<b>OWNER SECTION (proposed)</b>	
NAME	FTI CORPORATION LIMITED
INTERNAL ADDRESS	Tower 1 China Hong Kong City
STREET	33 CANTON RD - FLAT / RM 901 9/F
CITY	TSIM SHA TSUI, KL
COUNTRY	Hong Kong
<b>LEGAL ENTITY SECTION (current)</b>	
TYPE	corporation
<b>LEGAL ENTITY SECTION (proposed)</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Hong Kong
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1

<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	100
<b>TOTAL FEE PAID</b>	100
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/ mfb #29619/
<b>SIGNATORY'S NAME</b>	Michael F. Brown
<b>SIGNATORY'S POSITION</b>	Attorney of record, NY bar member
<b>DATE SIGNED</b>	04/10/2012
<b>SIGNATORY'S PHONE NUMBER</b>	607-256-2000
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Apr 10 10:29:23 EDT 2012
<b>TEAS STAMP</b>	USPTO/SECT08-208.125.102. 250-20120410102923869341- 3224978-4905ebfaa97daff59 0aaf9aea91f7c88ef-CC-8293 -20120410102413490663

---

## **Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3224978

**REGISTRATION DATE:** 04/03/2007

**MARK:** (Stylized and/or with Design, REVO)

The owner, FTI CORPORATION LIMITED, a corporation of Hong Kong, having an address of  
Tower 1 China Hong Kong City  
33 CANTON RD - FLAT / RM 901 9/F  
TSIM SHA TSUI, KL,  
Hong Kong

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 018, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: Bags, namely, luggage, travel bags, travelling bags, all purpose sports bags, athletic bags, backpacks, beach bags, clutch bags, diaper bags, gym bags, school bags, shoulder bags, tote bags, purses, handbags and knapsacks ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) The specimen consists of a photograph of a travel bag bearing the mark..

[Specimen File1](#)

The registrant's current Attorney Information: Michael F. Brown of BROWN & MICHAELS PC  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The registrant's proposed Attorney Information: Michael F. Brown of BROWN & MICHAELS PC  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The docket/reference number is FIP-1312UTab.

The Other Appointed Attorney(s): Christopher A. Michaels, Meghan Van Leeuwen.

The phone number is 607-256-2000.

The fax number is 607-256-3628.

The email address is docket@bpmlegal.com.

The registrant's current Correspondence Information: MICHAEL F. BROWN of BROWN & MICHAELS PC

400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The registrant's proposed Correspondence Information: MICHAEL F. BROWN of BROWN & MICHAELS PC

400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The docket/reference number is FIP-1312UTab.

The phone number is 607-256-2000.

The fax number is 607-256-3628.

The email address is docket@bpmlegal.com;brown@bpmlegal.com.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: / mfb #29619/     Date: 04/10/2012

Signatory's Name: Michael F. Brown

Signatory's Position: Attorney of record, NY bar member

Signatory's Phone Number: 607-256-2000

Mailing Address (**current**):

BROWN & MICHAELS PC  
118 NORTH TIOGA STREET  
ITHACA, New York 14850

Mailing Address (**proposed**):  
BROWN & MICHAELS PC  
118 NORTH TIOGA STREET  
ITHACA, New York 14850

Serial Number: 78898885

Internet Transmission Date: Tue Apr 10 10:29:23 EDT 2012

TEAS Stamp: USPTO/SECT08-208.125.102.250-20120410102

923869341-3224978-4905ebfaa97daff590aaf9

aea91f7c88ef-CC-8293-2012041010241349066

3



**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 3224978**Serial Number:** 78898885**RAM Sale Number:** 8293**RAM Accounting Date:** 20120410**Total Fees:** \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20120410	\$100	1	1	\$100

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20120410

# Trademark/Service Mark Application, Principal Register

Serial Number: 77355473

Filing Date: 12/19/2007

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355473
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS2\EXPORT14\773\554\77355473\xml1\APP0002.JP G">\\TICRS2\EXPORT14\773\554\77355473\xml1\APP0002.JP G</a>
<b>SPECIAL FORM</b>	YES
<b>USPTO-GENERATED IMAGE</b>	NO
<b>LITERAL ELEMENT</b>	revo
<b>COLOR MARK</b>	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word "revo" in stylized form.
<b>PIXEL COUNT ACCEPTABLE</b>	YES
<b>PIXEL COUNT</b>	250 x 250
<b>REGISTER</b>	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	FTI CORPORATION LIMITED
*STREET	33 Canton Rd. - Flat/Rm 901
<b>INTERNAL ADDRESS</b>	Tower 1 China Hong Kong City
*CITY	Tsim Sha Tsui, KL
*COUNTRY	Hong Kong
<b>LEGAL ENTITY INFORMATION</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Hong Kong
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	



<b>*INTERNATIONAL CLASS</b>	018
<b>*IDENTIFICATION</b>	Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached;
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/30/2006
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 05/31/2007
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS2\EXPORT14\773\554\77355473\xml1\APP0003.JP G">\\TICRS2\EXPORT14\773\554\77355473\xml1\APP0003.JP G</a>
<b>SPECIMEN DESCRIPTION</b>	The specimen consists of a photograph of a piece of luggage bearing the mark.
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michael F. Brown
<b>ATTORNEY DOCKET NUMBER</b>	fip.1312US-Tjjbh
<b>FIRM NAME</b>	Brown & Michaels PC
<b>STREET</b>	400 M&T Bank Building
<b>INTERNAL ADDRESS</b>	118 North Tioga Street
<b>CITY</b>	Ithaca
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL ADDRESS</b>	docket@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Christopher A. Michaels, Cynthia Hirschberg, Gregory M. Hill, Eugene S. Stephens, Meghan VanLeeuwen

CORRESPONDENCE INFORMATION	
NAME	Michael F. Brown
FIRM NAME	Brown & Michaels PC
STREET	400 M&T Bank Building
INTERNAL ADDRESS	118 North Tioga Street
CITY	Ithaca
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	14850
PHONE	607-256-2000
FAX	607-256-3628
EMAIL ADDRESS	docket@bpmlegal.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/mfb #29619/
SIGNATORY'S NAME	Michael F. Brown
SIGNATORY'S POSITION	Attorney of Record
DATE SIGNED	12/19/2007

---

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77355473**

**Filing Date: 12/19/2007**

### To the Commissioner for Trademarks:

**MARK:** revo (stylized and/or with design, see [mark](#))

The literal element of the mark consists of revo.

The mark consists of the word "revo" in stylized form.

The applicant, FTI CORPORATION LIMITED, a corporation of Hong Kong, having an address of

Tower 1 China Hong Kong City,

33 Canton Rd. - Flat/Rm 901

Tsim Sha Tsui, KL

Hong Kong

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 018: Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached;

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 018, the mark was first used at least as early as 06/30/2006, and first used in commerce at least as early as 05/31/2007, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The specimen consists of a photograph of a piece of luggage bearing the mark..

[Specimen File1](#)

The applicant hereby appoints Michael F. Brown and Christopher A. Michaels, Cynthia Hirschberg, Gregory M. Hill, Eugene S. Stephens, Meghan VanLeeuwen of Brown & Michaels PC

118 North Tioga Street

400 M&T Bank Building

Ithaca, New York 14850

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is fip.1312US-Tjjbh.

Correspondence Information: Michael F. Brown

118 North Tioga Street  
400 M&T Bank Building  
Ithaca, New York 14850  
607-256-2000(phone)  
607-256-3628(fax)  
docket@bpmlegal.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /mfb #29619/ Date Signed: 12/19/2007

Signatory's Name: Michael F. Brown

Signatory's Position: Attorney of Record

RAM Sale Number: 8941

RAM Accounting Date: 12/19/2007

Serial Number: 77355473

Internet Transmission Date: Wed Dec 19 11:32:39 EST 2007

TEAS Stamp: USPTO/BAS-216.7.10.190-20071219113239855

822-77355473-400627398cd2d938f8b6df8b0bf

eadabc4-CC-8941-20071219112550070767

revo



## Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77355473
MARK SECTION	
MARK	REVO (stylized and/or with design)
OWNER SECTION (current)	
NAME	FTI CORPORATION LIMITED
STREET	Tower 1 China Hong Kong City 33 Canton Rd. - Flat/Rm 901
CITY	Tsim Sha Tsui, KL
COUNTRY	Hong Kong
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	MICHAEL F. BROWN BROWN & MICHAELS PC 400 M&T BANK BUILDING 118 NORTH TIOGA STREET ITHACA New York 14850 United States 607-256-3628 607-256-2000 docket@bpmlegal.com
NEW OWNER ADDRESS	
INTERNAL ADDRESS	TOWER 1 CHINA HONG KONG CITY
STREET	33 CANTON RD FLAT/RM 901 9/F
CITY	TSIM SHA TSUI, KL
COUNTRY	Hong Kong
CURRENT CORRESPONDENCE ADDRESS	
NAME	MICHAEL F. BROWN
FIRM NAME	BROWN & MICHAELS PC
INTERNAL ADDRESS	

<b>INTERNAL ADDRESS</b>	118 NORTH TIOGA STREET
<b>STREET</b>	400 M&T BANK BUILDING
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/mfb #29619/
<b>SIGNATORY NAME</b>	Michael F. Brown
<b>SIGNATORY DATE</b>	12/27/2007
<b>SIGNATORY POSITION</b>	Attorney of Record
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Dec 27 11:17:10 EST 2007
<b>TEAS STAMP</b>	USPTO/COA-216.7.10.190-20 071227111710880115-773554 55-40035a9181b9a2594d0d58 fa72cccf0cc39-N/A-N/A-200 71227111211380551



## Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355473
<b>REGISTRATION NUMBER</b>	3476081
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 105
<b>MARK SECTION</b>	
<b>MARK</b>	REVO (stylized and/or with design)
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	33 CANTON RD FLAT/RM 901 9/F TOWER 1 CHINA HONG KONG CITY
<b>CITY</b>	TSIM SHA TSUI, KL
<b>COUNTRY</b>	HK
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	MICHAEL F. BROWN BROWN & MICHAELS PC 118 NORTH TIOGA STREET 400 M&T BANK BUILDING ITHACA New York 14850 United States 607-256-2000 607-256-3628 docket@bpmlegal.com
<b>NEW OWNER ADDRESS</b>	
<b>INTERNAL ADDRESS</b>	Rm F2-12 Block2 4F Hang Fung Ind. Bldg.
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	

<b>FAX</b>	852-2754-0852
<b>NEW CORRESPONDENCE ADDRESS FOR OWNER</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Echo Hsu/
<b>SIGNATORY NAME</b>	Echo Hsu
<b>SIGNATORY DATE</b>	06/25/2010
<b>SIGNATORY POSITION</b>	Corporate Secretary
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Jun 24 23:31:32 EDT 2010
<b>TEAS STAMP</b>	USPTO/COA-61.221.34.98-20 100624233132194014-773554 73-460a7863475daef7d5adf3 8dff4c131367-N/A-N/A-2010 0624232428045215

## Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3476081
REGISTRATION DATE	07/29/2008
SERIAL NUMBER	77355473
MARK SECTION	
MARK	REVO (stylized and/or with design)
ATTORNEY SECTION (current)	
NAME	Michael F. Brown
INTERNAL ADDRESS	400 M&T BANK BUILDING
STREET	118 NORTH TIOGA STREET
CITY	ITHACA
STATE	New York
POSTAL CODE	14850
COUNTRY	United States
PHONE	607-256-2000
FAX	607-256-3628
EMAIL	docket@bpmlegal.com
DOCKET/REFERENCE NUMBER	fip.1312US-T
ATTORNEY SECTION (proposed)	
NAME	Michael F. Brown
FIRM NAME	Brown & Michaels PC
INTERNAL ADDRESS	400 M&T BANK BUILDING
STREET	118 NORTH TIOGA STREET
CITY	ITHACA

<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	fip.1312Tjbh
<b>OTHER APPOINTED ATTORNEY</b>	Christopher A. Michaels, Meghan VanLeeuwen
<b>CORRESPONDENCE SECTION (current)</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com
<b>DOCKET/REFERENCE NUMBER</b>	fip.1312US-T
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>FIRM NAME</b>	Brown & Michaels PC
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States

<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com;brown@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	fip.1312Tjbh
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	018
<b>GOODS OR SERVICES</b>	Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\773\554\77355473\xml1\ S080002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	The specimen consists of a photograph of a piece of luggage bearing the mark.
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	852-2754-0852
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>INTERNAL ADDRESS</b>	Rm F2-12 Block2 4F Hang Fung Ind. Bldg.
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168

<b>FAX</b>	852-2754-0852
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>LEGAL ENTITY SECTION (proposed)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Hong Kong
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	100
<b>TOTAL FEE PAID</b>	100
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/ mfb #29619 /
<b>SIGNATORY'S NAME</b>	Michael F. Brown
<b>SIGNATORY'S POSITION</b>	Attorney of Record, NY bar member
<b>DATE SIGNED</b>	08/12/2013
<b>SIGNATORY'S PHONE NUMBER</b>	607-256-2000
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Mon Aug 12 15:16:50 EDT 2013
<b>TEAS STAMP</b>	USPTO/SECT08-208.125.102. 250-20130812151650006780- 3476081-5006087fa786af542 e5f6b7444947be7d343ad58c5 399a15d9c68cad698544e10-C C-1773-201308121511023865 12

---

## **Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3476081

**REGISTRATION DATE:** 07/29/2008

**MARK:** (Stylized and/or with Design, REVO)

The owner, FTI CORPORATION LIMITED, a corporation of Hong Kong, having an address of  
Rm F2-12 Block2 4F Hang Fung Ind. Bldg.  
2G Hok Yuen St. Hung Hom K1  
Hong Kong,  
China

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 018, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) The specimen consists of a photograph of a piece of luggage bearing the mark..

[Specimen File1](#)

The registrant's current Attorney Information: Michael F. Brown  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The docket/reference number is fip.1312US-T.

The registrant's proposed Attorney Information: Michael F. Brown of Brown & Michaels PC  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The docket/reference number is fip.1312Tjbh.

The Other Appointed Attorney(s): Christopher A. Michaels, Meghan VanLeeuwen.

The phone number is 607-256-2000.

The fax number is 607-256-3628.

The email address is docket@bpmlegal.com.

The registrant's current Correspondence Information: MICHAEL F. BROWN

400 M&T BANK BUILDING

118 NORTH TIOGA STREET

ITHACA, New York (NY) 14850

United States

The docket/reference number is fip.1312US-T.

The registrant's proposed Correspondence Information: MICHAEL F. BROWN of Brown & Michaels PC

400 M&T BANK BUILDING

118 NORTH TIOGA STREET

ITHACA, New York (NY) 14850

United States

The docket/reference number is fip.1312Tjbh.

The phone number is 607-256-2000.

The fax number is 607-256-3628.

The email address is docket@bpmlegal.com;brown@bpmlegal.com.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: / mfb #29619 / Date: 08/12/2013

Signatory's Name: Michael F. Brown

Signatory's Position: Attorney of Record, NY bar member

Signatory's Phone Number: 607-256-2000

Mailing Address (**current**):

118 NORTH TIOGA STREET

ITHACA, New York 14850



Mailing Address (**proposed**):

Brown & Michaels PC  
118 NORTH TIOGA STREET  
ITHACA, New York 14850

Serial Number: 77355473

Internet Transmission Date: Mon Aug 12 15:16:50 EDT 2013

TEAS Stamp: USPTO/SECT08-208.125.102.250-20130812151

650006780-3476081-5006087fa786af542e5f6b

7444947be7d343ad58c5399a15d9c68cad698544

e10-CC-1773-20130812151102386512



**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 3476081**Serial Number:** 77355473**RAM Sale Number:** 3476081**RAM Accounting Date:** 20130813**Total Fees:** \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20130812	\$100	1	1	\$100

Physical Location: - UNKNOWN

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20130812

# Trademark/Service Mark Application, Principal Register

Serial Number: 77355492

Filing Date: 12/19/2007

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355492
<b>MARK INFORMATION</b>	
*MARK	<a href="\\TICRS2\EXPORT14\773\554\77355492.xml1\APP0002.JP G">\\TICRS2\EXPORT14\773\554\77355492.xml1\APP0002.JP G</a>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	revo
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the word "revo" in stylized form, with the letters "re" above the letters "vo".
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	250 x 250
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	FTI CORPORATION LIMITED
*STREET	33 Canton Rd. - Flat/Rm 901
INTERNAL ADDRESS	Tower 1 China Hong Kong City
*CITY	Tsim Sha Tsui, KL
*COUNTRY	Hong Kong
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Hong Kong
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	

<b>*INTERNATIONAL CLASS</b>	018
<b>*IDENTIFICATION</b>	Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached;
<b>FILING BASIS</b>	SECTION 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/30/2006
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 05/31/2007
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS2\EXPORT14\773\554\77355492\xml1\APP0003.JP G</a>
<b>SPECIMEN DESCRIPTION</b>	The specimen consists of a photograph of a piece of luggage bearing the mark.
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Michael F. Brown
<b>ATTORNEY DOCKET NUMBER</b>	fip.1312US-Tjjbi
<b>FIRM NAME</b>	Brown & Michaels PC
<b>STREET</b>	400 M&T Bank Building
<b>INTERNAL ADDRESS</b>	118 North Tioga Street
<b>CITY</b>	Ithaca
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL ADDRESS</b>	docket@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Christopher A. Michaels, Gregory M. Hill, Eugene S. Stephens, Meghan VanLeeuwen, Cynthia Hirschberg

<b>CORRESPONDENCE INFORMATION</b>	
<b>NAME</b>	Michael F. Brown
<b>FIRM NAME</b>	Brown & Michaels PC
<b>STREET</b>	400 M&T Bank Building
<b>INTERNAL ADDRESS</b>	118 North Tioga Street
<b>CITY</b>	Ithaca
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL ADDRESS</b>	docket@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>FEE INFORMATION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>FEE PER CLASS</b>	325
<b>*TOTAL FEE DUE</b>	325
<b>*TOTAL FEE PAID</b>	325
<b>SIGNATURE INFORMATION</b>	
<b>SIGNATURE</b>	/mfb #29619/
<b>SIGNATORY'S NAME</b>	Michael F. Brown
<b>SIGNATORY'S POSITION</b>	Attorney of Record
<b>DATE SIGNED</b>	12/19/2007

---

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77355492**

**Filing Date: 12/19/2007**

### To the Commissioner for Trademarks:

**MARK:** revo (stylized and/or with design, see [mark](#))

The literal element of the mark consists of revo.

The mark consists of the word "revo" in stylized form, with the letters "re" above the letters "vo".

The applicant, FTI CORPORATION LIMITED, a corporation of Hong Kong, having an address of

Tower 1 China Hong Kong City,

33 Canton Rd. - Flat/Rm 901

Tsim Sha Tsui, KL

Hong Kong

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 018: Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached;

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 018, the mark was first used at least as early as 06/30/2006, and first used in commerce at least as early as 05/31/2007, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) The specimen consists of a photograph of a piece of luggage bearing the mark..

[Specimen File1](#)

The applicant hereby appoints Michael F. Brown and Christopher A. Michaels, Gregory M. Hill, Eugene S. Stephens, Meghan VanLeeuwen, Cynthia Hirschberg of Brown & Michaels PC

118 North Tioga Street

400 M&T Bank Building

Ithaca, New York 14850

United States

to submit this application on behalf of the applicant. The attorney docket/reference number is fip.1312US-Tjjbi.

Correspondence Information: Michael F. Brown

118 North Tioga Street  
400 M&T Bank Building  
Ithaca, New York 14850  
607-256-2000(phone)  
607-256-3628(fax)  
docket@bpmlegal.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /mfb #29619/ Date Signed: 12/19/2007

Signatory's Name: Michael F. Brown

Signatory's Position: Attorney of Record

RAM Sale Number: 9094

RAM Accounting Date: 12/19/2007

Serial Number: 77355492

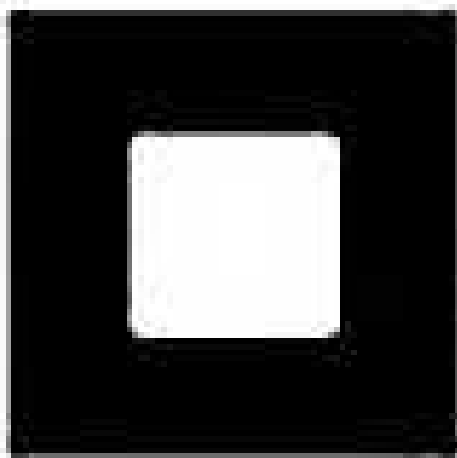
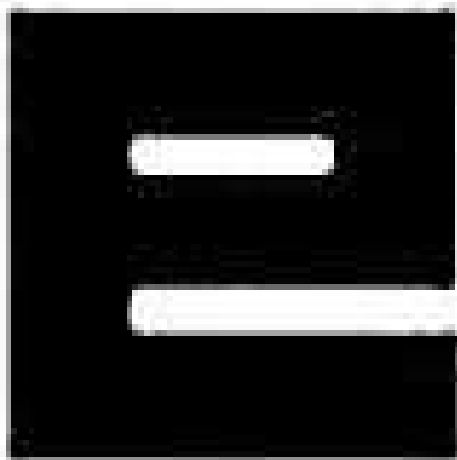
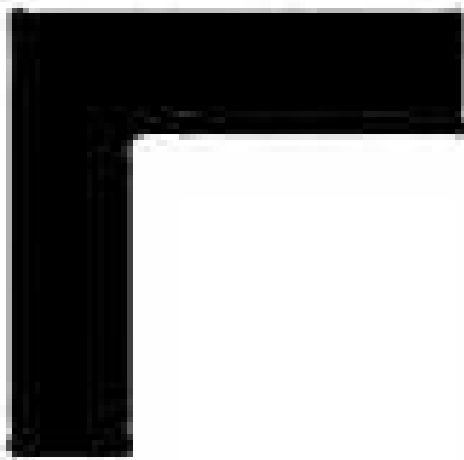
Internet Transmission Date: Wed Dec 19 11:44:46 EST 2007

TEAS Stamp: USPTO/BAS-216.7.10.190-20071219114446779

311-77355492-400e1751a54424140b4cd57ec81

194abc12-CC-9094-20071219113859969378







## Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355492
<b>MARK SECTION</b>	
<b>MARK</b>	REVO (stylized and/or with design)
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	Tower 1 China Hong Kong City 33 Canton Rd. - Flat/Rm 901
<b>CITY</b>	Tsim Sha Tsui, KL
<b>COUNTRY</b>	Hong Kong
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	MICHAEL F. BROWN BROWN & MICHAELS PC 400 M&T BANK BUILDING 118 NORTH TIOGA STREET ITHACA New York 14850 United States 607-256-3628 607-256-2000 docket@bpmlegal.com
<b>NEW OWNER ADDRESS</b>	
<b>INTERNAL ADDRESS</b>	TOWER 1 CHINA HONG KONG CITY
<b>STREET</b>	33 CANTON RD FLAT/RM 901 9/F
<b>CITY</b>	TSIM SHA TSUI, KL
<b>COUNTRY</b>	Hong Kong
<b>CURRENT CORRESPONDENCE ADDRESS</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>FIRM NAME</b>	BROWN & MICHAELS PC
<b>INTERNAL ADDRESS</b>	

<b>INTERNAL ADDRESS</b>	118 NORTH TIOGA STREET
<b>STREET</b>	400 M&T BANK BUILDING
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/mfb #29619/
<b>SIGNATORY NAME</b>	Michael F. Brown
<b>SIGNATORY DATE</b>	12/27/2007
<b>SIGNATORY POSITION</b>	Attorney of Record
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Dec 27 11:17:10 EST 2007
<b>TEAS STAMP</b>	USPTO/COA-216.7.10.190-20 071227111710880115-773554 55-40035a9181b9a2594d0d58 fa72cccf0cc39-N/A-N/A-200 71227111211380551

## Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77355492
<b>REGISTRATION NUMBER</b>	3476082
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 105
<b>MARK SECTION</b>	
<b>MARK</b>	REVO (stylized and/or with design)
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	33 CANTON RD FLAT/RM 901 9/F TOWER 1 CHINA HONG KONG CITY
<b>CITY</b>	TSIM SHA TSUI, KL
<b>COUNTRY</b>	HK
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	MICHAEL F. BROWN BROWN & MICHAELS PC 118 NORTH TIOGA STREET 400 M&T BANK BUILDING ITHACA New York 14850 United States 607-256-2000 607-256-3628 docket@bpmlegal.com
<b>NEW OWNER ADDRESS</b>	
<b>INTERNAL ADDRESS</b>	Rm F2-12 Block2 4F Hang Fung Ind. Bldg.
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	

<b>FAX</b>	852-2754-0852
<b>NEW CORRESPONDENCE ADDRESS FOR OWNER</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	14850
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Echo Hsu/
<b>SIGNATORY NAME</b>	Echo Hsu
<b>SIGNATORY DATE</b>	06/25/2010
<b>SIGNATORY POSITION</b>	Corporate Secretary
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Jun 24 23:37:02 EDT 2010
<b>TEAS STAMP</b>	USPTO/COA-61.221.34.98-20 100624233702165757-773554 92-460e26ac3f95eae5494f38 7a512221d347a-N/A-N/A-201 00624233237493677

## Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	3476082
REGISTRATION DATE	07/29/2008
SERIAL NUMBER	77355492
MARK SECTION	
MARK	REVO (stylized and/or with design)
ATTORNEY SECTION (current)	
NAME	Michael F. Brown
INTERNAL ADDRESS	400 M&T BANK BUILDING
STREET	118 NORTH TIOGA STREET
CITY	ITHACA
STATE	New York
POSTAL CODE	14850
COUNTRY	United States
PHONE	607-256-2000
FAX	607-256-3628
EMAIL	docket@bpmlegal.com
DOCKET/REFERENCE NUMBER	fip.1312US-T
ATTORNEY SECTION (proposed)	
NAME	Michael F. Brown
FIRM NAME	Brown & Michaels PC
INTERNAL ADDRESS	400 M&T BANK BUILDING
STREET	118 NORTH TIOGA STREET
CITY	ITHACA

<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	fip.1312Tjbi
<b>OTHER APPOINTED ATTORNEY</b>	Christopher A. Michaels, Meghan VanLeeuwen
<b>CORRESPONDENCE SECTION (current)</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States
<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com
<b>DOCKET/REFERENCE NUMBER</b>	fip.1312US-T
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	MICHAEL F. BROWN
<b>FIRM NAME</b>	Brown & Michaels PC
<b>INTERNAL ADDRESS</b>	400 M&T BANK BUILDING
<b>STREET</b>	118 NORTH TIOGA STREET
<b>CITY</b>	ITHACA
<b>STATE</b>	New York
<b>POSTAL CODE</b>	14850
<b>COUNTRY</b>	United States



<b>PHONE</b>	607-256-2000
<b>FAX</b>	607-256-3628
<b>EMAIL</b>	docket@bpmlegal.com;brown@bpmlegal.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	fip.1312Tjbi
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	018
<b>GOODS OR SERVICES</b>	Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\773\554\77355492\xml1\ S080002.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\773\554\77355492\xml1\ S080003.JPG</a>
	<a href="#">\\TICRS\EXPORT16\IMAGEOUT16\773\554\77355492\xml1\ S080004.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	The specimen consists of three photographs of a piece of luggage, showing the mark on labels inside and outside the luggage and on a zipper pull.
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	852-2754-0852
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	FTI CORPORATION LIMITED
<b>INTERNAL ADDRESS</b>	Rm F2-12 Block2 4F Hang Fung Ind. Bldg.

<b>STREET</b>	2G Hok Yuen St. Hung Hom K1
<b>CITY</b>	Hong Kong
<b>COUNTRY</b>	China
<b>PHONE</b>	852-2756-2168
<b>FAX</b>	852-2754-0852
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>LEGAL ENTITY SECTION (proposed)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Hong Kong
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	100
<b>TOTAL FEE PAID</b>	100
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/ mfb #29619 /
<b>SIGNATORY'S NAME</b>	Michael F. Brown
<b>SIGNATORY'S POSITION</b>	Attorney of Record, NY bar member
<b>DATE SIGNED</b>	08/12/2013
<b>SIGNATORY'S PHONE NUMBER</b>	607-256-2000
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Mon Aug 12 15:35:07 EDT 2013
<b>TEAS STAMP</b>	USPTO/SECT08-208.125.102. 250-20130812153507989201- 3476082-500caec579bc0ef68 dedae5e566eebeeb4dc4d5873b 9bb45fd2a499f3b6d31193e2- CC-2243-20130812152921699 591



## **Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3476082

**REGISTRATION DATE:** 07/29/2008

**MARK:** (Stylized and/or with Design, REVO)

The owner, FTI CORPORATION LIMITED, a corporation of Hong Kong, having an address of  
Rm F2-12 Block2 4F Hang Fung Ind. Bldg.  
2G Hok Yuen St. Hung Hom K1  
Hong Kong,  
China

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 018, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: Book bags; Shoulder bags; Coin purses; Luggage; All purpose sport bags; Tote bags; Leather suitcases; Garment bags for travel; Overnight cases; Backpacks; Briefcases; Handbags; Parasols; Pocket wallets; Textile shopping bags; Suitcases; Traveling bags; Luggage, namely, trunks; Umbrellas; Canes; Fur; Leather for furniture; Imitation leather; Leather pouches; School bags; Sling bags for carrying infants; Umbrella covers; Valises; Shopping bags with wheels attached ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) The specimen consists of three photographs of a piece of luggage, showing the mark on labels inside and outside the luggage and on a zipper pull..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

The registrant's current Attorney Information: Michael F. Brown  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The docket/reference number is fip.1312US-T.

The registrant's proposed Attorney Information: Michael F. Brown of Brown & Michaels PC  
400 M&T BANK BUILDING  
118 NORTH TIOGA STREET  
ITHACA, New York (NY) 14850  
United States

The docket/reference number is fip.1312Tjbi.

The Other Appointed Attorney(s): Christopher A. Michaels, Meghan VanLeeuwen.

The phone number is 607-256-2000.

The fax number is 607-256-3628.

The email address is docket@bpmlegal.com.

The registrant's current Correspondence Information: MICHAEL F. BROWN

400 M&T BANK BUILDING

118 NORTH TIOGA STREET

ITHACA, New York (NY) 14850

United States

The docket/reference number is fip.1312US-T.

The registrant's proposed Correspondence Information: MICHAEL F. BROWN of Brown & Michaels PC

400 M&T BANK BUILDING

118 NORTH TIOGA STREET

ITHACA, New York (NY) 14850

United States

The docket/reference number is fip.1312Tjbi.

The phone number is 607-256-2000.

The fax number is 607-256-3628.

The email address is docket@bpmlegal.com;brown@bpmlegal.com.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: / mfb #29619 / Date: 08/12/2013

Signatory's Name: Michael F. Brown

Signatory's Position: Attorney of Record, NY bar member

Signatory's Phone Number: 607-256-2000

Mailing Address (**current**):

118 NORTH TIOGA STREET  
ITHACA, New York 14850

Mailing Address (**proposed**):

Brown & Michaels PC  
118 NORTH TIOGA STREET  
ITHACA, New York 14850

Serial Number: 77355492

Internet Transmission Date: Mon Aug 12 15:35:07 EDT 2013

TEAS Stamp: USPTO/SECT08-208.125.102.250-20130812153

507989201-3476082-500caec579bc0ef68dedae

5e566eebeeb4dc4d5873b9bb45fd2a499f3b6d311

93e2-CC-2243-20130812152921699591









**ROUTING SHEET TO POST REGISTRATION (PRU)****Registration Number:** 3476082**Serial Number:** 77355492**RAM Sale Number:** 3476082**RAM Accounting Date:** 20130813**Total Fees:** \$100

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20130812	\$100	1	1	\$100

Physical Location: - UNKNOWN

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20130812

# **EXHIBIT K**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Application of:** **SBG Revo Holdings, LLC**

**Serial No.:** **86/087,665**

**Filed:** **October 9, 2013**

**Mark:**



**Published:** **December 30, 2014**

<b>FTI CORPORATION LIMITED</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No.</b>
	)	
<b>SBG REVO HOLDINGS, LLC</b>	)	
	)	
<b>Applicant.</b>	)	

**NOTICE OF OPPOSITION**

Opposer FTI Corporation Limited (“FTI”), a Hong Kong corporation with its principal place of business at 36/F Tower Two Times Square, 1 Matheson Street, Causeway Bay, Hong Kong, China, would be damaged by registration of the mark REVO & Design (“Applicant’s Mark”) as shown in Application Serial No. 86/087,665, and opposes that application under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. § 1063. As grounds of opposition, FTI alleges that:

1. SBG Revo Holdings, LLC (“Applicant”) seeks to register Applicant’s Mark for use with “[b]ack packs, luggage, sports bags, all purpose sports bags, all purpose carrying bags, tote bags, travel bags, key cases and wallets, umbrellas” in International Class 18, as evidenced by publication of the mark on December 30, 2014, in the Official Gazette.

### **FTI and the REVO Mark**

2. FTI, through subsidiaries, related corporate entities and licensees, manufactures and sells a wide variety of products around the world, including in the United States. In particular, FTI manufactures and sells luggage and related goods branded as REVO (the “REVO Mark”).

3. FTI, through subsidiaries, related corporate entities and licensees, has sold its REVO branded luggage in the United States since at least as early as 2006 and has continuously sold luggage and related items under that mark since that time.

4. FTI is the last listed owner on three U.S. trademark registrations for luggage and bags covering the REVO Mark in various designs. Those U.S. trademark registrations – U.S. Reg. Nos. 3,224,978; 3,476,081; and 3,476,082 – were recently cancelled as the result of an improperly granted default judgment by the Trademark Trial and Appeal Board. Concurrently with this opposition, FTI is filing a motion to set aside that default judgment, reinstate the registrations, and re-open the cancellation action.

5. In any event, and regardless of the status of FTI’s registrations for the REVO Mark, FTI has established substantial common law rights to that mark through its continuous use in commerce of that mark on a variety of bags, luggage and related items since at least 2006.

### **Applicant’s Mark and Application**

6. On October 9, 2013, Applicant filed U.S. Ser. No. 86/087,665 for the mark REVO & Design in connection with “[b]ack packs, luggage, sports bags, all purpose sports bags, all purpose carrying bags, tote bags, travel bags, key cases and wallets, umbrellas” in International Class 18 (the “Application”). Applicant filed the Application on an intent-to-use

basis and, to date, no use of the mark reflected in the Application in connection with the applied-for goods has been alleged.

7. On January 28, 2014, the Examining Attorney reviewing the Application issued an Office Action citing a likelihood of confusion with FTI's three REVO registrations. Applicant responded by filing a cancellation action against those registrations, which ultimately resulted in a default judgment because FTI was not properly served by either Applicant or the Trademark Trial and Appeal Board and never received notice of the cancellation proceeding.

8. In any event, the Examining Attorney's determination was correct: Applicant's intent-to-use application for REVO & Design in Class 18 for the applied-for goods is likely to be confused with FTI's senior REVO Mark used on essentially identical goods.

9. FTI's prior use of the REVO Mark on goods that are essentially identical to the applied-for goods gives FTI priority over Applicant's intent-to-use filing.

**FTI'S GROUND FOR OPPOSITION**  
**Likelihood of Confusion**

10. Paragraphs 1 through 9 are incorporated and made a part of this Ground for Opposition.

11. FTI's REVO Mark and Applicant's Mark are identical aurally and visually as word marks. Though FTI's stylization of its REVO Mark is different from that of Applicant's Mark, those differences in stylization are ultimately insufficient to differentiate the two marks when used on essentially identical goods.

12. The goods on which Applicant proposes to use Applicant's Mark are essentially identical to those sold by FTI under the REVO Mark. Among other goods, FTI markets and sells REVO branded luggage, sport bags, tote bags, other travel bags and umbrellas. Applicant's applied-for goods include "Back packs, luggage, sports bags, all purpose sports bags, all purpose

carrying bags, tote bags, travel bags, key cases and wallets, umbrellas.” These goods are essentially identical, and the applied-for goods certainly fall within the category of goods covered by FTI’s registrations and FTI’s common law rights in the REVO Mark.

13. Applicant’s Mark so resembles FTI’s REVO Mark that, when used in connection with the goods for which Applicant seeks to register Applicant’s Mark, it is likely to cause confusion or mistake or to deceive consumers, resulting in damage to FTI.

14. Because of the similarity between Applicant’s Mark and FTI’s REVO Mark and because Applicant claims to offer goods that are essentially identical to the goods FTI offers under the REVO Mark, the general public is likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant’s goods and misled into believing that Applicant’s goods offered under Applicant’s Mark are provided by, or are in some other way directly or indirectly associated with FTI, to the detriment of FTI. Indeed, the Trademark Office already found a likelihood of confusion between the two marks when it cited FTI’s registrations against the Application.

15. FTI has no control over the nature or quality of the goods in connection with which Applicant allegedly plans to use Applicant’s Mark. Hence, any defects, objections or faults found with Applicant’s goods offered under Applicant’s Mark could inflict injury upon FTI’s reputation because of false association with FTI.

16. FTI and its goodwill will be damaged by Applicant’s use and registration of Applicant’s Mark in that Applicant’s Mark is virtually identical to FTI’s REVO Mark and is allegedly used in connection with goods that are essentially identical to FTI’s goods.

WHEREFORE, FTI prays that Application Serial No. 86/087,665 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in FTI's favor.

Dated: January 22, 2015

Respectfully submitted,

FTI CORPORATION LIMITED

By Counsel

/William N. Federspiel/

Janet P. Peyton (VSB No. 39496)

[jpeyton@mcguirewoods.com](mailto:jpeyton@mcguirewoods.com)

William N. Federspiel (VSB No. 76716)

[wfederspiel@mcguirewoods.com](mailto:wfederspiel@mcguirewoods.com)

Amanda L. DeFord (VSB No. 85511)

[adeford@mcguirewoods.com](mailto:adeford@mcguirewoods.com)

McGuireWoods LLP

One James Center

901 East Cary Street

Richmond, Virginia 23219-4030

(804) 775-1000

(804) 775-1061 (fax)

*Counsel for the FTI Corporation Limited*

Electronically Filed via ESTTA: January 22, 2015.



**CERTIFICATE OF SERVICE**

On January 22, 2015, a copy of this Notice of Opposition was sent via FedEx to the applicant at the following address:

SBG Revo Holdings, LLC  
30th Floor  
1065 Avenue of the Americas  
New York, NEW YORK 1001

A courtesy copy was also sent on January 22, 2015, to counsel for the applicant at the following address:

Roberta S. Bren  
Oblon, McClelland, Maier & Neustadt, LLP  
1940 Duke Street  
Alexandria, VA 22314

/William N. Federspiel/  
\_\_\_\_\_  
William N. Federspiel

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In re Registration of:** FTI Corporation Limited  
**Reg. Nos.:** 3,224,978, 3,476,081, and 3,476,082  
**Reg. Dates:** April 3, 2007, July 29, 2008, and July 29, 2008

**Marks:** REVO, REVO, and 

<b>SBG REVO HOLDINGS, LLC</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Cancellation No. 92059685</b>
	)	
<b>FTI CORPORATION LIMITED</b>	)	
	)	
<b>Respondent.</b>	)	

**RESPONDENT'S MOTION TO SET ASIDE DEFAULT JUDGMENT**

Pursuant to Rule 2.116(a) of the Trademark Rules of Practice and Rule 60(b) of the Federal Rules of Civil Procedure, Respondent FTI Corporation Limited ("FTI"), by counsel, respectfully moves the Board to set aside the November 4, 2014 default judgment entered against FTI in the above-captioned matter, to reinstate the cancelled registrations for U.S. Reg. Nos. 3,224,978, 3,476,081, and 3,476,082, and to reinstate the above-captioned cancellation proceeding. The grounds for this motion are more fully set forth in the accompanying memorandum of law in support of FTI's motion, which is incorporated herein by reference.

WHEREFORE, for the reasons stated herein and in the accompanying memorandum of law, FTI respectfully requests that its motion be granted, the default judgment be vacated, the cancelled registrations be reinstated, and the cancellation proceeding be reinstated.

Dated: January 29, 2015

Respectfully submitted,

/William N. Federspiel/  
Janet Peyton (VSB No. 39496)  
jpeyton@mcguirewoods.com  
William N. Federspiel (VSB No. 76716)  
wfederspiel@mcguirewoods.com  
Amanda L. DeFord (VSB No. 85511)  
adeford@mcguirewoods.com  
**McGUIREWOODS LLP**  
One James Center  
901 East Cary Street  
Richmond, VA 23219  
Tel: (804) 775-1000  
Fax: (804) 775-1061

*Attorneys for Respondent FTI Corporation Limited*

**CERTIFICATE OF SERVICE**

I certify that, on January 29, 2015, a true and correct copy of this motion as well as the accompanying memorandum in support and exhibits, was served on Petitioner's counsel of record, pursuant to Trademark Rule 2.119, by sending the same via Federal Express mail to:

Roberta S. Bren  
Oblon, McClelland, Maier & Neustadt, LLP  
1940 Duke Street  
Alexandria, VA 22314

/William N. Federspiel/  
William N. Federspiel